

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-37615-2023

Date of Decision:-25.01.2024

Manish Kumar.

.....Petitioner.

Vs.

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Inderjeet Singh Chawla Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

Mr. J.S. Thakur, Advocate for

Mr. Ankit Chauhan, Advocate for respondent nos.2 & 3.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition is for quashing of Cross Case registered vide FIR No.129 dated 27.04.2019 under Sections 420 IPC, Section 24 of the Immigration Act, 1924 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered at P.S. Division No.5, Police Commissionerate, Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 29.07.2023 (Annexure P-2) arrived at between the parties.

Vide orders dated 03.08.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid orders dated 03.08.2023 with regard to the compromise dated 29.07.2023 (Annexure P-2).

In terms of the orders dated 03.08.2023 passed by this Court parties have appeared before the court of Additional Chief Judicial Magistrate, Ludhiana and as per report dated 28.11.2023 submitted to this

Court, both the parties have got recorded their respective statements in Court.

Perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052*** and ***Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

In view of the aforesaid reports of the learned Additional Chief Judicial Magistrate Ludhiana accompanied by statements of both the parties, the FIR No.129 dated 27.04.2019 under Sections 420 IPC, Section 24 of the Immigration Act, 1924 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered at P.S. Division No.5, Police Commissionerate, Ludhiana and all consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 25, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No