



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-54862-2022 (O&M)
Date of Decision:- 26.09.2024

Nitish Ghai ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gagandeep Singh, Advocate, for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

Mr. H.S.Bhogal, Advocate for
Mr. A.P.S.Sandhu, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Nitish Ghai has approached this Court seeking quashing of FIR No.298, dated 16.09.2018, Police Station Division No.7, Ludhiana, under Section 420 IPC, Sections 10, 24 of Immigration Act and Section 13 of Punjab Pevention of Human Smuggling Act, 2012, and all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. Vide order dated 11.04.2023, the parties had been directed to appear before the trial Court/Illaqa Magistrate so as to get their statements recorded qua the factum of compromise.



3. Report of learned Judicial Magistrate 1st Class, Ludhiana, has been received, wherein it has been reported that the statement of petitioner/accused Nitish Ghai and complainant Amit Thakur have been recorded to the effect that they have compromised the matter amongst themselves.
4. Complainant Amit Thakur in his statement had stated that he has no objection in case the FIR in question is quashed.
5. The learned Judicial Magistrate 1st Class, Ludhiana, has specifically opined that the parties have entered into compromise voluntarily without there being any pressure, coercion or undue influence.
6. In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (CrL.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.298, dated 16.09.2018, Police Station Division No.7, Ludhiana, under Section 420 IPC, Sections 10, 24 of Immigration Act and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, and all subsequent proceedings emanating therefrom are hereby quashed qua the petitioner.

26.09.2024

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No