



127

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-52429-2024

Date of decision: 21.10.2024

Mohd. Kesar and another

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Anand Kaushal, Advocate
for the petitioners.

Mr. Subhash Godara, Addl.A.G., Punjab.

Mr. Raghav Soni, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

This second petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.545 dated 27.10.2021 under Sections 370/323/506/120-B of IPC and 3/4/5 of the Immoral Traffic Act, 1956 registered at Police Station Zirakpur, District SAS Nagar, Mohali, Punjab (Annexure P-1) on the basis of compromise and all consequential proceedings arising therefrom.

Learned counsel for the petitioners submits that during the pendency of the trial, a compromise has been effected between the petitioner and the complainant/respondent No.2. He further submits that the compromise was effected in the interest of both the parties and he further relies upon the judgment of this Court passed in '**Kulwinder Singh and others versus State of Punjab and others**' 2007 (3) R.C.R. (CrI.) 1052, to contend that once the parties enter into an amicable settlement, the power under Section 482 Cr.P.C. should be invoked in order to prevent the abuse of the process of law and to secure the ends of justice.

Learned counsel for the petitioners further relies upon the



CRM-M-52429-2024

-2-

judgments passed by the Coordinate Bench of this Court in 'Kulwinder Singh and others versus State of Punjab and others' 2007 (3) R.C.R. (CrI.) 1052, 'Satpal Vs. State of Haryana and another' CRM-M-24799-2021, 'Mehal Singh Vs. State of Punjab and another' CRM-M-9931-2018, 'Devender Singh Vs. State of Punjab and another' CRM-M-9931-2018 and judgment of Calcutta High Court passed in 'Raj Kumar Jajodia Vs. The State of West Bengal and another' CRR-473-2019, in which FIR was quashed under provisions of The Immoral Traffic (Prevention) Act, 1956 on the basis of compromise.

The learned State counsel, on the other hand, submits that the provisions of The Immoral Traffic (Prevention) Act, 1956 are not private in nature. It is a crime against the society and further the petitioner has approached this Court seeking quashing of the FIR (*supra*) on the basis of compromise dated 09.08.2024 (Annexure P-2) by filing CRM-M-37979-2022 (Annexure P-3). However, the same was withdrawn after arguing for some time and sensing the inclination of the Court on 25.08.2022 and there is no change in circumstances, as such, the second petition on the same cause of action which has already been withdrawn would not be maintainable.

Learned counsel for respondent No.2 submits that he has no objection in case the FIR (*supra*) is quashed.

Having heard learned counsel for the parties and after perusal of the record, it transpires that the petitioner has preferred CRM-M-37979-2022 and after arguing for sometime, the petitioner has withdrawn the aforementioned petition on 25.08.2022 and following order was passed:-



CRM-M-52429-2024

-3-

'Instant petition has been filed under Section 482 Cr.P.C., for quashing of FIR No.545 dated 27.10.2021 registered under Sections 370, 323, 506, 120-B of Indian Penal Code, 1860 and Section 3 of The Immoral Traffic (Prevention) Act, 1956 along with all subsequent proceedings arising therefrom, on the basis of compromise dated 10.08.2022 (Annexure P-2).

After having argued for sometime and sensing the inclination of the Court, counsel for the petitioner seeks and is granted permission to withdraw the petition.

Dismissed as withdrawn.'

In view of the above, this Court finds no ground to invoke its power under Section 482 Cr.P.C. for quashing of FIR (*supra*) on the basis of compromise and thus, the present petition is hereby dismissed.

However, nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.

The learned trial Court is directed to decide the case on its own merits strictly in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

21.10.2024
Neha

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