

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

CRM No.M-13153 of 2015 (O&M)

Date of decision: 30.06.2015

Rahul Mani

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. P.K. Bansal, Advocate for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

Mr. Manu Loona, Advocate
for the complainant/respondent No.2.

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TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.71 dated 01.07.2014 under Sections 66-A/67/67-A of the Information Technology Act and Section 506 IPC, registered at Police Station City Fazilka, District Fazilka.

Since quashing was sought on the basis of compromise, this Court on 27.04.2015 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements and a report as regards veracity of the compromise was called for.

Placed on record is a report dated 15.05.2015 of the learned Chief Judicial Magistrate, Fazilka and a perusal thereof would reveal that the statements of the complainant-Rohika (respondent No.2 herein) as also accused, Rahul Maini (petitioner herein) have been duly recorded and it has been opined that compromise that has been effected between the parties is

without any pressure or coercion. Even the statements of the parties that have been recorded stand appended along with the report.

Counsel appearing for the complainant/respondent No.2 also submits in Court today that he would have no objection to the FIR being quashed on the basis of compromise.

A Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non compoundable offences.

Adverting back to the facts of the present case, the parties have amicably resolved the dispute and a conscious decision has been taken by the parties to bury the hatchet.

In the light of the compromise having been effected between the parties, it would be a futile exercise for the criminal proceedings to continue as such. It would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.71 dated 01.07.2014 under Sections 66-A/67/67-A of the Information Technology Act and Section 506 IPC, registered at Police Station City Fazilka, District Fazilka and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

30.06.2015