

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15845 of 2015

Date of decision: July 14, 2015.

Seeratjot Singh @ Rana

... **Petitioner**

v.

State of Punjab & others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Shri Navdeep Chhabra, Advocate, for the petitioner.
Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1.
Shri Jagjit Singh, Advocate for respondents No.2 to 4.

Darshan Singh, J. (Oral):

The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”) for seeking quashing of FIR No. 14 dated 21.2.2014, registered under Section 295-A IPC of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) and Sections 66-A/67 of the Information Technology Act, 2000 at Police Station Gidderbaha, District Sri Muktsar Sahib (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 9.4.2015 (Annexure P2).

2. Vide order dated 14.5.2015, this Court has directed the parties to get their statements recorded before the Illaqa Magistrate. The learned Judicial Magistrate was also directed to send its report with regard to the validity or otherwise of the compromise after recording the statements of the

concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned Sub Divisional Judicial, Gidderbaha through the learned District & Sessions Judge, Sri Muktsar Sahib along with the copies of the statements of the parties. The operative part of the report of the learned Sub Divisional Judicial Magistrate is reproduced as under:

“The statements of complainant party amely Harbaljit Singh, Gurdas Singh and Sukhjinder Singh and accused Seeratjot Singh alias Rana have been recorded separately on 29.5.2015 on the application moved by them, as directed by the Hon'ble High Court. (The photocopies of the statements are enclosed vide Annexure-A to D).

From the statements as recorded vide Annexure-A to D, it is hereby reported that the compromise is genuine, voluntary and without any coercion or undue influence and the settlement between the parties has no adverse effect upon any third party. It is further reported that as per report of Ahlmad, only one person namely Seeratjot Singh alias Rana has been arrayed as accused in the FIR and no accused is proclaimed offender in this case.”

4. Learned counsel for the petitioner contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions,

he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondents No.2 to 4 has also fairly conceded that in view of the compromise effected between the parties, the complainants/victims has no objection if the impugned FIR and the consequential proceedings are quashed.

6. As per the prosecution allegations, the complainants, who owe their allegiance to Dera Sacha Sauda for the last 25-30 years, have complained of hurting their religious sentiments by the accused-petitioner by uploading on WhatsApp certain objectionable words detrimental to the prestige of their revered Guru and his mother.

7. From the statements of the complainant as well as of the petitioners recorded by the learned Judicial Magistrate and her report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The photocopy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioner are bleak.

Therefore, the pendency of FIR and continuation of the proceedings would

be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 14 dated 21.2.2014, registered under Section 295-A IPC and Sections 66-A/67 of the Information Technology Act, 2000 at Police Station Gidderbaha, District Sri Muktsar Sahib and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

July 14, 2015.
kadyan

[Darshan Singh]
Judge