

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Crl. Misc. No. M- 42560 of 2014(O&M)

Date of Decision: January 20, 2015.

Rajesh Kumar

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sukhwinder Singh Sudan, Advocate
for the petitioners.

Mr. Pawan Girdhar, Addl.A.G., Haryana.

Mr. Sandeep Sharma, Advocate
for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

1. Prayer in this petition is for quashing of FIR No.264 dated 27.04.2013, under Sections 509/501/500 IPC and Sections 66A/67A of the Information Technology Act, 2000, registered at police station Civil Lines, Gurgaon and all other consequential proceedings arising therefrom on the basis of compromise having been entered between the parties.

2. The abovesaid FIR was registered on the basis of an application submitted by respondent No.2 – Meenakshi Kumari alleging the commission of offences punishable under Sections 509/501/500 IPC and Sections 66A/67A of the Information Technology Act, 2000 qua the petitioners.

3. Due to the intervention of respectables, elders and common friends, the matter is stated to have been settled between the parties on 19.11.2014, Annexure P4. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

4. This Court on 12.12.2014 had directed the parties to appear before learned trial court on 15.12.2014 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence.

5. Learned trial court has also been directed to intimate whether any of the petitioners are proclaimed offenders and regarding any other case pending against them. Information was also sought as to whether all affected persons are a party to the settlement.

6. Pursuant thereto, report dated 15.01.2015 has been received from the learned Additional Chief Judicial Magistrate, Gurgaon wherein it is observed that the compromise between the parties is genuine and the terms of settlement have been entered into voluntarily without any kind of pressure or coercion. There is only one accused in this case and he is not a proclaimed

offender and neither is he facing any other trial. There is only one complainant and affected person in this case.

7. Mr. Sandeep Sharma, learned counsel for respondent No.2 submits that respondent No.2 – Meenakshi Kumari has no objection to the quashing of the aforesaid FIR as the matter has been amicably settled between the parties.

8. In Kulwinder Singh and others versus State of Punjab and another 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

9. In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in the futility.

10. This petition is, thus, allowed and FIR No.264 dated 27.04.2013, under Sections 509/501/500 IPC and Sections 66A/67A of the Information Technology Act, 2000, registered at police station Civil Lines, Gurgaon alongwith all consequential proceedings are, hereby, quashed.

January 20, 2015.
'om'

(LISA GILL)
JUDGE