

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

**Criminal Misc. No. M-17634 of 2016
Date of Decision:-31.08.2016**

Rohit

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Jainainder Saini, Advocate
for the petitioner.

Mr. Sulinder Kumar, AAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.189 dated 25.3.2014, under Sections 66-C/67 of the Information Technology Act, 2000 and Section 469 IPC, registered at Police Station Hisar civil Lines, District Hisar, along with all consequential proceedings arising therefrom on the basis of compromise dated 13.5.2016 (Annexure P-2).

Vide order dated 20.5.2016, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 20.5.2016, the parties have appeared before the learned Magistrate on 3.6.2016 for getting their

statements recorded.

The report dated 7.6.2016 received from the learned Judicial Magistrate 1st Class, Hisar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Prem Kumar before the JMIC, Hisar, on 3.6.2016 reads as under :-

“Stated that I have compromised the present case with the accused Rohit with the intervention of the respectable people of the locality. The misunderstandings with the accused have been sorted out and harmony has been restored. The compromise has been effected by both of us with free will and without any undue influence, coercion etc.from any corner. The compromise has been effected in a voluntarily manner in order to avoid unpleasantness and to provide better future for both the parties. I have no objection if the accused is acquitted in the present case or that the present case/FIR is quashed in view of the compromise with the accused. The copy of compromise deed as tendered before Hon'ble P & H High Court in CRM No.M-17634 of 2016 is also being placed on record by me and both the parties shall abide by the terms stipulated therein. The abovesaid compromise may kindly be accepted.”

Learned State counsel has filed the reply in the form of affidavit of Shri Bhagwan Dass, HPS, Deputy Superintendent of Police, Headquarter, Hisar and on the basis of reply, he submits that the State is not in the knowledge of the compromise.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.189 dated 25.3.2014, under Sections 66-C/67 of the Information Technology Act, 2000 and Section 469 IPC, registered at Police Station Hisar civil Lines, District Hisar and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

August 31, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No