

264.

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

CRM-M-22571-2016

Date of decision:03.11.2016

Amrik Singh @ Kala

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Digvijay Nagpal, Advocate,
for the petitioner.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

Mr. Harpal Singh, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.13 dated 24.02.2016 under Section 67 of Information Technology Act, 2000, registered at Police Station Bhadson, District Patiala (Annexure P/1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 23.06.2016 (Annexure P/2).

Mr. Harpal Singh, Advocate, has put in appearance on behalf of respondent No.2 and filed vakalatnama which is taken on record.

This Court vide order dated 08.07.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Nabha and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.08.2016 to the effect that the compromise has been effected between parties voluntarily, without any pressure or coercion and the same appears to be genuine.

Respondent No.2-complainant, namely, Rehana Sultan has made her statement with regard to compromise before learned Magistrate on 19.08.2016. The same is reproduced as under:-

“I got registered FIR no.13 dated 24.2.2016 under Sections 67 of Information Technology Act 2000 against the accused Amrik Singh @ Kala son of Gurmeet Singh resident of village Bhari Panechan. With the intervention of my relatives and respectables persons of the society the matter in the said FIR was compromised between me and accused and to this fact I had executed an affidavit dated 23.6.16, copy of my affidavit is mark A and I identify my signature on the same. The said compromise is genuine, voluntarily and without any coercion or undue influence and I have no objection if the said FIR is quashed against the accused. ”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012)**

under Section 67 of Information Technology Act, 2000, registered at Police Station Bhadson, District Patiala (Annexure P/1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/affidavit dated 23.06.2016 (Annexure P/2).

(HARI PAL VERMA)
JUDGE

03.11.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.