

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

C.R.M-M No.21575 of 2015
Date of Decision : 24.01.2017

Harmeet Singh @ Sonu

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Loveneet Thakur, Advocate
for the petitioner.

None for the respondent No.1-State.

Mr. G.B.S. Gill, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed for quashing of FIR No.215 dated 10.10.2014, registered under Sections 66 of the IT Act and Section 295 of IPC, at P.S. Sarabha Nagar, Ludhiana.

On 16.12.2016 the following order was passed:-

“Learned Senior counsel appearing for the complainant states that in case the petitioner apologizes for posting this

objectionable material and undertakes not to repeat the same, he would have no objection if the FIR is quashed.

Learned counsel for the petitioner states that the petitioner would file an affidavit in this regard providing the complainant to appear in the Court and state that he would have no objection if the FIR is quashed.

Let the parties appear before the Chief Judicial Magistrate/Illaq Magistrate on 03.01.2017 and get their statements recorded in this regard.

To await report adjourned to 24.01.2017.”

Thereafter, the report of the Chief Judicial Magistrate, Ludhiana dated 03.01.2017 has been received. In the report, he has mentioned that the aforesaid parties have appeared before him and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua

petitioner.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

January 24, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No