

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-24731 of 2017

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Date of decision:15.11.2017

Mani Singh and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Abhijeet P.S. Chaudhary, Advocate for the petitioners.

Mr. Ayush Sarna, Assistant Advocate General, Punjab for the respondent-State.

Mr. Ayush Gupta, Advocate for the complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.141 dated 10.5.2017 (Annexure-P.1) registered for the offences under Sections 67 and 67-A of Information Technology Act at Police Station City Sangrur, District Sangrur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Rahul Jindal on the allegations that the accused-petitioner No.2, who is doing POP work in houses as a labourer, is an illiterate person. The complainant had engaged him for doing POP work in his house and his mother, who is about 80 years of age, gave her mobile number to him

regarding any inquiry for POP job in the house. Petitioner No.2 had saved the mobile number of complainant's mother in his mobile, but not her name. So due to some mistake that mobile number was added in a WhatsApp group, namely, KKR group in which his some friends used to chat often and on one occasion petitioner No.2 had sent an indecent message on that WhatsApp group unintentionally, which was also delivered at the complainant's mother's mobile number, which was not within the knowledge of petitioner No.2. The petitioners had tendered their apology on mobile phone and the matter was over, but thereafter the complainant had moved an application to the Police for registration of the case against the petitioners. Now with the intervention of well-wishers and common friends of both the parties and respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate, Sangrur has sent report dated 27.10.2017 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR in view of the law laid down by the

Hon'ble Supreme Court.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matter has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.141 dated 10.5.2017 (Annexure-P.1) registered for the offences under Sections 67 and 67-A of Information Technology Act at Police Station City Sangrur, District Sangrur and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

November 15, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No