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

CRM-M-35711-2017

Date of decision:14.12.2017.

AATIR KHAN AND ORS.

... Petitioners

Versus

UT OF CHANDIGARH AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vibudh Singh, Advocate, and
Mr. James M., Advocate,
for the petitioners.

Mr. Rajiv Sharma, APP, UT, Chandigarh,
for respondent No.1.

None for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.67 dated 23.04.2014 under Sections 66, 66A, 66C, 66D of Information Technology Act and 201 of IPC, registered at Police Station North, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.10.2016 (Annexure P-2).

Learned counsel for the petitioners has argued that for in-house training, a website known as www.milkhasingh.co.in was created on 25.01.2013, which contained general biographical information of Shri Milkha Singh, the legendary man, which is otherwise available in public domain. He states that as the website was created by way of free hosting, any revenue by way of advertisement was received by Google LLC only.

The petitioners-accused did not earn anything from the aforesaid website. He further states that the stage when the police has submitted challan and framing of charge was in process, the matter has been compromised between the parties. The complainant has appeared before the trial Court on 18.01.2017 and had specifically stated that he has no objection if the application for compounding the offences is allowed and the accused are discharged as they have sought an unconditional apology.

While the aforesaid FIR was pending before the trial Court and the charges were being framed, the present petitioners have approached this Court for the aforesaid relief of quashing the FIR on the basis of compromise.

Vide order dated 24.10.2017, this Court had directed the parties to appear before the trial Court to get their statements recorded in support of the compromise and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Accordingly, pursuant to the aforesaid order, the parties have appeared before the trial Court. Though the complainant himself was required to appear before the trial Court and to make a statement in support of the compromise and to get the dispute compounded, but considering his old age, he (complainant) has authorized his conducting counsel Mr. Terminder Singh, who is arrayed as respondent No.3 in the present petition, to make a statement in support of compromise. However, for convenience of the present order, the statement of complainant-Milkha Singh dated 18.01.2017 for compounding the offences, is reproduced as under:-

of IPC dated 23rd April, 2014 at PS, Sector 3 was registered on my instruction and later on accused Saood Azfar Azmi s/o Sh. Mohd. Munir Azmi, Aatir Khan s/o Mujafid Khan and Sanjeev Kumar Singh s/o Late Sh. Ram Singh was implicated in the present FIR. I have compromised with the accused as they have sought unconditional apology from me. The compromise is completely voluntary, without any coercion or undue influence, with my own free will. I have no objection if the application for compounding the offences is allowed and accused are discharged. The compromise deed is Ex.PA.”

Further, in pursuant to the order dated 24.10.2017 passed by this Court directing the parties to get their statements recorded in support of compromise, the authorized person, namely, Terminder Singh, Advocate, has made a statement on 02.11.2017 before the learned Magistrate in support of the compromise. He has stated that he has no objection in case the FIR in question is quashed. The statement of respondent No.3 reads as under:-

“That complainant S. Milkha Singh had entered into a compromise with accused persons namely Aatir Khan, Azfar Azmi and Sanjeev Kumar, vide compromise Deed dated 24.10.2016, in case FIR No.67 u/s 66, 66-A, 66C, 66D of Information Technology Act, 2000 r/w 201 of IPC dated 23.04.2014, registered at PS-3, Chandigarh which is already exhibited as Ex.PA in the court file. The abovesaid FIR was registered on the instructions of the complainant S. Milkha Singh. That complainant is an old person aged about 86 years and is unable to appear before this Hon'ble Court and give statement and he has instructed and authorized me to give statement on his behalf. That complainant has already given statement dated 18.1.2017 before this Hon'ble Court. The complainant has given instructions to me to give statement on his behalf that he has no objection if above mentioned FIR is quashed and the statement dated 18.1.2017 was given with his own free will without any kind of pressure, coercion, undue influence as complainant entered into compromise with accused persons as they have sought unconditional apology from him. The complainant has no objection, if FIR is quashed.”

Mr. Sharma, learned APP, UT, Chandigarh, on instructions from SI Sanjay Dutt, does not dispute the very statement of respondent No.3-Terminder Singh and the compromise so arrived at between the parties.

I have heard learned counsel for the parties.

Taking into consideration the report dated 10.11.2011 as forwarded by learned Judicial Magistrate Ist Class, Chandigarh, wherein it has been reported that neither of the accused has been declared as proclaimed offender and the compromise so entered into between the parties is genuine, voluntarily and without any coercion or undue influence, this Court has no hesitation in quashing the aforesaid FIR, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Accordingly, 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) 10 SCC 303**, this petition is allowed and F.I.R. No.67 dated 23.04.2014 under Sections 66, 66A, 66C, 66D of Information Technology Act and 201 of IPC, registered at Police Station North, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 24.10.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

14.12.2017
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No