

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 261

CRM-M-45286-2016

Decided on : 25.04.2017

Kapil Arora

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Deepak Sabherwal, Advocate, for the petitioner.

Mr.Rajat Bansal, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through the present petition, quashing of FIR No.132, dated 02.09.2015, registered under Sections 67 and 68 of the Information Technology Act, 2000, at Police Station Bhogpur, District Jalandhar City, alongwith all subsequent proceedings arising therefrom, is sought for on the basis of compromise.

Through order of this Court dated 19.12.2016, the parties were directed to appear before the trial Court/Duty Magistrate for recording their statements with regard to compromise, who in turn was directed to record the statements of both the parties to its satisfaction and send a report to this Court clearly opining therein with respect to the validity or otherwise of the compromise as also whether any criminal proceedings are pending against either of the parties.

As directed, report dated 15.03.2017 from the Judicial Magistrate Ist Class, Jalandhar, has been received, as per which the parties have recorded their statements before the trial court in terms of the compromise arrived at between them and that no other case is pending against the parties.

Learned State counsel has also no objection if the present petition is allowed.

In view of the above as also for the reason that the present dispute is between the private parties in which the investigation is at initial stage and the compromise having been effected between them, continuation of the proceedings in pursuance to the afore-referred FIR, would be an abuse of the process of law and in terms of the law laid down by the Full Bench of this Court in “*Kulwinder Singh and others versus State of Haryana and others*”, 2007(3) RCR (Criminal) 1052, I deem it just and proper to allow the petition and resultantly quash FIR No.132, dated 02.09.2015, registered under Sections 67 and 68 of the Information Technology Act, 2000, at Police Station Bhogpur, District Jalandhar City, and all proceedings arising therefrom.

25.04.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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