

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

CRM-M-16326-2016

Date of decision-19.11.2018

Vikas Prasher and another

....Petitioners

Vs.

Union Territory, Chandigarh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vivek Lamba, Advocate for the petitioners.

Mr. J.S.Toor, APP. U.T.Chandigarh.

MANOJ BAJAJ, J.

Prayer in the present petition is for quashing of complaint No.PW201508033 dated 29.06.2015 (Annexure P-1) attached with FIR No.481 dated 02.09.2015 under Section 420 IPC and under Sections 66-C and 66-D of Information and Technology Act, registered at Police Station Manimajra, Chandigarh along with all consequential proceedings arising therefrom on the basis of compromise dated 14.03.2016 (Annexure P-3).

Formally, FIR was recorded on the basis of complaint given by Nikita Patra, however, similar complaints which were given by others were also tagged with the FIR. The complaint given by Monu Midda which implicates the petitioner bearing complaint No.PW201508033 dated 29.06.2015 was tagged with FIR No.481 dated 02.09.2015. This fact is not controverted by learned counsel appearing on behalf of U.T.Chandigarh.

Vide order dated 10.08.2016, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 10.08.2016, the parties have appeared before the learned Magistrate for getting their statements recorded.

The report dated 27.09.2016, received from the learned Judicial Magistrate First Class, Chandigarh reveals that the compromise has been effected between the parties without any undue pressure.

Learned counsel appearing on behalf of U.T.Chandigarh also does not dispute the aforesaid factual position, rather admit the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of the conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is accepted and complaint No.PW201508033 dated 29.06.2015 (Annexure P-1) attached

with FIR No.481 dated 02.09.2015 under Section 420 IPC and under Sections 66-C and 66-D of Information and Technology Act, registered at Police Station Manimajra, Chandigarh and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

(MANOJ BAJAJ)
JUDGE

19.11.2018
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No