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

CRM-M No. 1809 of 2017

Date of Decision: 15.02.2018

Sonu Dhaliwal @ Sonia and another

.....Petitioners

Versus

Union Territory, Chandigarh and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Kamal Satija, Advocate, for
Mr. Arun Dogra, Advocate,
for the petitioners.

Mr. Gautam Kaile, Advocate, for
Mr. Rajiv Sharma, A.P.P., UT, Chandigarh.

None for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

1. Prayer in this petition is for quashing of FIR No.290 dated 22.09.2016 registered under Sections 420, 120-B IPC and Section 66-C and 66-D of Information Technology Act at Police Station Sector 39, Chandigarh (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

2. Compromise was effected between the parties on 27.09.2016. Following terms and conditions were settled between the parties:-

“1. That earlier the first party made a complaint which has been converted into an FIR No.290 dated 22.09.2016 under Section 420, 120-B IPC and Section 66-C and 66-D of Information Technology Act, registered at Police Station Sector 39, Chandigarh against second party and now the first party had already received his amount from the second party.

2. That the first party will have no objection if second party be discharged from the charges in the FIR qua the second party only.

3. That since the amount has already been received by the first party so the first party has no objection if the present FIR be quashed.

4. That the first party further undertake to cooperate with the second party for quashing the above said FIR against the second party before the Hon'ble Punjab and Haryana High Court and undertake to make his statement before the Hon'ble High Court for quashing of above said FIR. The first party further undertakes that he will also appear before the Police Authority or court concern for withdrawal

of case.

5. That the first party has executed this compromise deed without any kind of pressure, force coercion and undue influence with her own sweet will and consent.”

3. Vide order dated 20.09.2017, parties were directed to appear before the Illaqa Magistrate and the Illaqa Magistrate was directed to record their statements and submit its report qua the genuineness of the compromise effected between the parties.

4. In pursuance of said order, Judicial Magistrate Ist Class, Chandigarh, after recording statements of the parties, has reported that the compromise effected between the parties is genuine, voluntary and without any undue influence and coercion.

5. This Court is of the opinion that in view of compromise between the parties, chances of conviction of the accused are remote and there is minimal chance of the witnesses coming forward to depose in support of prosecution version. In view of remote chances of conviction, it would be appropriate to exercise discretionary power of this Court under Section 482 Cr.P.C. to put an end to the controversy for all times to come. The compromise would facilitate both the parties to live

in peace and to maintain public tranquility and offence in question is personal in nature and does not involve any heinous and serious offence of any mental depravity, nor it involves any offence covered under Prevention of Corruption Act. Therefore, when possibility of conviction is remote and bleak, continuation of criminal proceedings would put the accused to oppression and prejudice. In such a situation the exercise of power to quash the proceedings would be in consonance with the provisions of law to meet ends of justice and to prevent unnecessary continuation of proceedings which may ultimately result in some unnecessary vagaries of criminal trial.

6. Learned State counsel, however, objects to the aforesaid course, but in order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, this Court is of the opinion that it would be in fitness of things to quash the proceedings on the basis of compromise.

7. The compromise in question is fully in consonance with the guidelines framed in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another 2012 (4) RCR (Crl.) 543.**

8. Resultantly, FIR No.290 dated 22.09.2016 registered under Sections 420, 120-B IPC and Section 66-C and 66-D of Information Technology Act at Police Station Sector 39, Chandigarh (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

9. Petition stands disposed of.

15.02.2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No