

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

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CRM-M No.19426 of 2017 (O&M)

Date of Decision: March 26th, 2018

Geetanjali Sidhu

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Nitin Verma, Advocate
for Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Kuldeep Sharma, Deputy Advocate General, Haryana.

Mr. Anil Kumar Lamdharia, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASI, J. (ORAL)

Prayer in this petition is for quashing of FIR No.247 dated 28.08.2015 registered under Sections 66, 66C Information Technology Act and Sections 419, 420 IPC at Police Station Faridabad NIT, District Faridabad and all consequential proceedings arising therefrom on the basis of a compromise dated 15.05.2017.

On 15.11.2017, when the case came up for hearing before this Court, parties were directed to appear before the trial Court to get their statements recorded to the satisfaction of the said Court, who was to intimate the Court whether the parties to the petition had indeed entered into a compromise and that none of them has been declared a proclaimed offender.

In compliance with the said order, parties appeared before the Judicial Magistrate Ist Class, Faridabad, on 04.12.2017 when their statements were recorded.

On the basis of the statements, Judicial Magistrate Ist Class, Faridabad, has submitted report dated 04.12.2017, wherein it has been concluded that the parties have voluntarily given their statements in Court that they have settled all their disputes. The Court had opined that the terms entered into between the parties appear to be genuine.

In the light of the report of the Judicial Magistrate Ist Class, Faridabad, referred to above, counsel for the petitioner and the complainant state that the present petition deserves to be allowed by quashing the FIR in question and all consequential proceedings arising therefrom.

Affidavit dated 16.03.2018 of complainant-respondent No.2 Paritosh Arya has also been filed in Court, where he has acknowledged the factum of the compromise and has further stated that he has no objection in case the present FIR is quashed by the Court.

Counsel for the complainant, on instructions from the complainant, who is present in Court, states that as per the settlement/compromise, first motion has already been recorded on 16.05.2017 before the Family Court in a petition preferred under Section 13-B of the Hindu Marriage Act and the second motion is now to be recorded on 19.04.2018.

Counsel for the petitioner, on instructions from the petitioner, who is present in Court, states that she would abide by the said term and give a statement on second motion on 19.04.2018 provided complainant-respondent No.2 herein supply her the documents with regard to the withdrawal of the cases which he had to file in the Court.

Counsel for the complainant, on instructions from the

complainant, who is present in Court, states that all complaints, which were preferred by the complainant, have already been withdrawn and orders to that effect have already been passed by the Court, however, some applications are pending before the police authorities and he states that the same would not be pursued by the complainant.

In view of the above and keeping in view the fact that a settlement has been entered into between the parties, which has been found to be genuine, especially when both the parties have in the Court today also reiterated their acknowledgment of the settlement and their commitment to abide by the said terms, it would be in the interest of justice that the present petition is allowed by quashing the FIR which was registered at the behest of respondent No.2-complainant, so that the parties part their ways in life and live a peaceful life thereafter.

Keeping in view the principles laid down by judgment of Supreme Court in *Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429* and in *Criminal Appeal No.1723 of 2017* titled as *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another*, decided on 04.10.2017, the present petition is allowed and FIR No.247 dated 28.08.2015 registered under Sections 66, 66C Information Technology Act and Sections 419, 420 IPC at Police Station Faridabad NIT, District Faridabad, and all other consequential proceedings arising therefrom, are hereby quashed.

March 26th, 2018

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No