

CRM-M-20663-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20663-2017 (O&M)

Date of Decision: 28th March, 2018

Jagjit Singh & another

...Petitioners

Versus

State of U.T., Chandigarh & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amandeep Rana, Advocate,
for the petitioners.

Mr. Sukant Gupta, Addl. Public Prosecutor, U.T. Chandigarh.

Mr. Sandeep Verma, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-19492-2017

Prayer in this application is for correction in the Index, Court fee form and affidavit as inadvertently, in the title, respondents' name has been wrongly typed as 'State of Punjab & another', instead of 'State of U.T., Chandigarh & another'.

For the reasons mentioned in the application, the same is allowed. Respondents' name in the Index, Court fee form and affidavit be read as 'State of U.T., Chandigarh & another', instead of 'State of Punjab & another'. Registry to carry out the necessary corrections.

The application stands disposed of.

CRM-M-20663-2017 (O&M)

CRM-M-20663-2017

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.248 dated 24.06.2015, under Sections 43 and 67 of Information and Technology Act, 2000 (hereinafter referred to as 'I.T. Act') and Sections 384, 511 and 34 of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Sector 39, District Chandigarh, (Annexure P-1) and all consequent proceedings arising therefrom, on the basis of the compromise, which stands reflected in the affidavit dated 17.07.2015 of respondent No.2-complainant Jyoti Sharma daughter of Sh. Neelmani Sharma (Annexure P-2).

The case came up for hearing before this Court on 02.06.2017, when this Court directed the parties to put in appearance before the Illaqa Magistrate/concerned Court to get recorded their statements with reference to the compromise, which has been effected between them. The concerned Court was also required to report with regard to the genuineness of the said compromise.

In compliance with the said order, parties had appeared before the Judicial Magistrate First Class, Chandigarh and got recorded their respective statements. On the basis of the statements, Judicial Magistrate First Class, Chandigarh, has proceeded to submit a report dated 13.06.2017, according to which, Court is satisfied that the compromise arrived at between the parties is genuine, without any pressure, coercion or threat from any side. It has further been observed that the complainant has no objection in case the FIR which was recorded at her behest is quashed in the light of

the compromise.

Counsel for the petitioners as also respondent No.2-complainant state that in the light of the report of Judicial Magistrate First Class, Chandigarh, the present petition may be allowed and the FIR along with all subsequent proceeding arising therefrom be quashed.

Learned Additional Public Prosecutor for U.T. Chandigarh has brought to the notice of the Court Section 77-A of the I.T. Act, which prohibits compounding of the offences especially with reference to the child below 18 years or woman. At a specific question put by this Court to the counsel for the complainant as to whether the complainant has any objection with reference to the provisions as has been pointed out by the learned Additional Public Prosecutor, counsel for the complainant categorically states that the complainant has no objection to the same.

This Court is satisfied that the compromise which has been entered into between the parties is for the benefit of both the parties and therefore, it would be in the interest of justice that the matter should come to an end especially when complainant-Jyoti Sharma has entered into a compromise with the petitioners, which has been found to be genuine as per the report of the Judicial Magistrate First Class, Chandigarh and she has no objection for quashing of the FIR, which was recorded at her behest. Merely because there is a specific bar with regard to the compounding of an offence under the I.T. Act, the same would not, in any manner, curtail the powers of this Court to invoke the extraordinary inherent jurisdiction under Section 482 of the Code of Criminal Procedure to quash the said

proceedings where the Court is satisfied that it would not serve any purpose for which the provisions of statute were being invoked by the complainant especially when the complainant has no objection to the same.

In the light of the above and the ratio of latest judgment of the Hon'ble Supreme Court in *Criminal Appeal No.1723 of 2017*, titled as '*Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another*', decided on 04.10.2017 and in the judgment of *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* as also the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.248 dated 24.06.2015, under Sections 43 and 67 of I.T. Act and Sections 384, 511 and 34 of IPC, registered at Police Station Sector 39, District Chandigarh, (Annexure P-1) and all consequent proceedings arising therefrom are hereby quashed.

28th March, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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