

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

Sr.No.247

**CRM-M-44680-2016 (O &M)
Date of Decision:16.11.2018**

Sonal Singh

....petitioner

Versus

State of Punjab and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ARVIND SINGH SANGWAN

Present: Mr.S.K.Garg Narwana, Senior Advocate with
Mr.Naveen Gupta, Advocate
for the petitioner

Mr.Sidakmeet Sandhu, AAG Punjab

Mr.Vishal Deep Goyal, Advocate
for respondent No.2

ARVIND SINGH SANGWAN, J. (ORAL):

Prayer in this petition is for quashing of FIR No.93 dated 30.04.2016 under Sections 66(B), 66(C), 66(D), 66(E), 67, 67(A) of Information Technology Act 2000 and 506 IPC, registered at Police Station Civil Lines Patiala, District Patiala.

This petition was initially filed praying for quashing of the aforesaid FIR on the various grounds taken in the petition. However, during the pendency of this petition, on 13.09.2018, both the parties represented that there is possibility of some amicable settlement between the parties and requested that the case be referred to the Mediation and Conciliation Centre of this Court. Accordingly, the parties were directed to appear before the Mediator. The Mediator has held the conciliation proceedings and has submitted a settlement/agreement dated 28.09.2018, the operative part of which reads as under:

8. *The following compromise/settlement has been arrived at between the parties hereto:*

a) *That both the parties initiated the criminal proceedings against each other under gross misunderstanding and now they wish to settle their dispute by way of compromise. That the first party will file compromise quashing regarding FIR No.93 dated 30.04.2016 under Section 66(B), 66(C), 66(D), 66(E), 67, 67(A) of Information Technology Act, 2000 and 506 IPC registered at Police Station Civil Lines Patiala, District Patiala in this Hon'ble High Court and the second party will make a statement in this regard.*

b) *That the second party will file compromise quashing regarding FIR No.105 dated 30.08.2016 under Section 294, 506 and 120-B of IPC and 67 of IT Act., 2008 registered at Police Station Cyber Cell Bhopal by the first party against Husanjot Chahal and Noorjot Chahal both daughters of the second party in the Hon'ble High Court of Jabalpur and the first party will make a statement in this regard.*

c) *That the second party will file compromise quashing regarding Crime No.148/2017 under Section 354 (D), 292(A), 120(B), 384, 419, 420, 465, 471, 474, 292 IPC and 43-A, 67, 66, 66(D), 66(E), 67(A) of Information Technology Act, 2000 registered at Police Station City Cyber Crime Bengaluru in the Hon'ble High Court of Karnataka and the first party will make a statement in this regard.*

d) *That the second party will make sure that name of first party does not get roped in the FIR/complaint under investigation at Delhi. Details of which are not known to the second party.*

e) *That both the parties undertake to make themselves available for making statements or filing reply/affidavits etc. as and when ordered by the Hon'ble Courts in the above said quashing petitions which are to be filed within a span of two months from today.*

f) *That both the parties further undertakes not to indulge in any litigation regarding this issue in future against any member of both the families. Both the parties are free to present the copy*

of this settlement for withdrawing any case/ complaint/ application pending or which is not in the knowledge of the parties before any Court or Authority .

Learned counsel for the petitioner submits that in fact, the petitioner and the daughters of the complainant were staying together and on account of some misunderstanding which flared up, resultantly, the present FIR, as well as two other sets of FIRs were registered against each other. Learned counsel further submits that now the compromise has been effected considering the fact that all the aggrieved persons/victims are young persons and students and it will be in the interest of justice that the controversy between them is set right and they may live in peace, without making any further complaint against each other or registering any criminal case against each other.

A perusal of the settlement arrived at between the parties shows that not only the petitioner but the complainant/victims both have decided to get all the cases quashed by way of filing a compromise quashing petition before the respective High Courts and have further undertaken that they will not lodge any litigation regarding this issue against each other in future.

The Mediator has also recorded a finding that the parties have gone through the contents of the compromise/settlement and after admitting the same to be correct have put their respective signatures. Before Mediator, father of petitioner Mr.G.P.Singh (who was allowed by this Court vide order dated 13.09.2018) has appeared and on behalf of victim/complainant, Kamaljeet Kaur, complainant herself and GPA of her daughters Husanjot Chahal, Noorjot Chahal has appeared. Both of them have duly acknowledged the terms and conditions of the compromise/settlement. It appears that the compromise has been entered into between the parties to

bury their litigation.

I have heard counsel for the parties and perused the case file.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others vs State of Punjab”***, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court feel that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of ***“Gian Singh vs State of Punjab and another”***, 2012 (4) RCR (Criminal) 543, has held as under:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like

murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in

affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

In view of what has been discussed hereinabove, the petition is allowed and FIR No.93 dated 30.04.2016 under Sections 66(B), 66(C), 66(D), 66(E), 67, 67(A) of Information Technology Act 2000 and 506 IPC, registered at Police Station Civil Lines Patiala, District Patiala and proceedings emanating therefrom are ordered to be quashed, *qua* the petitioner –Sonal Singh.

(ARVIND SINGH SANGWAN)
JUDGE

16.11.2018

neenu

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No