

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

Crl. Misc. No. M-45961 of 2017

Date of Decision : April 02, 2018

Rajesh Kumar JainPetitioner

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G. Haryana.

Mr. Randeep Singh, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.218 dated 03.06.2017 under Section 66-C of the Information Technology (Amendment) Act, 2008 and Sections 292, 354-A IPC registered at Police Station Gohana City, District Sonapat, along with all other consequential proceedings arising therefrom on the basis of compromise dated 30.11.2017 (Annexure P2) arrived at between the parties.

It is submitted that the above said FIR was registered at the instance of respondent No.2 due to certain misunderstandings between the parties which have since been removed. It is further submitted that the petitioner and respondent No.2 are neighbours. They wish to live in peace and harmony. The terms and conditions of the settlement were reduced into writing on 30.11.2017 (Annexure P2). It is submitted that respondent No.2

does not wish to pursue the present proceedings against the accused-petitioner.

Pursuant to order dated 10.01.2018 parties appeared before the learned Sub Divisional Judicial Magistrate, Gohana, and their statements were recorded on 19.01.2018. The complainant/respondent No.2 stated that the matter has been amicably resolved by him with the accused-petitioner out of his own free will, without any fear, pressure, coercion or undue influence. It is stated that respondent No.2 and the petitioner are neighbours and have cordial relations amongst them and he has no objection to the quashing of the above-said FIR against the petitioner. Statement of the wife of respondent No.2 (affected person/victim) was recorded as well. She stated that the matter has been amicably resolved between the parties out of their own free will without any fear, inducement or pressure. They are neighbours and have family like relations. Statement of the petitioner in respect to the settlement was also recorded. Report of SHO, Police Station Gohana to the extent that the sole accused in this case is not a proclaimed offender or a previous convict was taken on record by the learned SDJM on 29.01.2018.

As per report dated 02.02.2018 submitted by the learned ACJ (SD)/SDJM, Gohana, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties, without any fraud, pressure, fear or undue influence. The accused/petitioner in the aforesaid FIR is not reported to be a proclaimed offender. Statements of the parties are appended along with the said report.

Learned counsel for respondents No. 2 affirms and verifies the factum of settlement between the parties. It is reiterated that the complainant

and his wife do not wish to proceed against the petitioner and there is no objection to the quashing of the aforesaid FIR.

Learned counsel for the State has not raised any serious objection to the quashing of the aforesaid FIR on the basis of a settlement arrived at between the parties.

In *Kulwinder Singh and others versus State of Punjab and another* 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the above-said FIR as no useful purpose would be served by continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.218 dated 03.06.2017 under Section 66-C of the Information Technology (Amendment) Act, 2008 and Sections 292, 354-A IPC registered at Police Station Gohana City, District Sonapat, along with all consequential proceedings are, hereby, quashed.

02.04.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No