

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

CRM-M-7231-2017

Date of decision:- 20.04.2018

Manjinder Singh @ Bittu

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

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

Mr. Tanvir Joshi, AAG, Punjab.

Mr. Madhur Goyal, Advocate,
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing FIR No.85 dated 27.04.2016, under Sections 67 and 67-A of the Information Technology Act, 2000 (for short 'IT Act') and Sections 500 and 501 IPC, registered at Police Station Sadar Dhuri, District Sangrur, on the basis of compromise entered into between the parties.

2. While issuing notice of motion, the following order was passed by a Co-ordinate Bench of this Court on 03.03.2017: -

“Notice of motion, returnable by 24.05.2017.

In view of the matter, the parties shall appear before the trial Court/Illaq Magistrate on 25.04.2017 for getting their statements recorded with regard to the compromise arrived at between them. The

learned trial Court/Illaq Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.”

3. In terms of order dated 03.03.2017, Judicial Magistrate 1st Class, Dhuri, recorded the statements of both the parties and submitted a report dated 29.04.2017 and operative part of the same reads as under: -

“Complainant and accused persons along with their respective counsel appeared in the Court and stated that they had compromised the matter and further prayed for recording their statements and for quashing the FIR in view of the compromise between the parties. Statements of the parties have been recorded in the above noted case bearing FIR No.85 dated 27.04.2016, under Section IT Act under Section 67, 67-A and 500, 501 of IPC Police Station Sadar Dhuri. The copy of compromise is “Mark A”.

1. Only one person has been arrayed as accused in the FIR above mentioned namely:

(a) Manjinder Singh s/o Nirbhai Singh.

2. As per statmeent of investigating officer no accused has been declared as proclaimed offender in this case.

3. After going through the statements of the parties and on asking the parties, it is crystalized that the compromise has been arrived at genuinely and is made voluntarily without any pressure of coercion. The terms of settlement are as per compromise Mark A.”

4. A perusal of the report reveals that the compromise entered into between the parties is genuine, voluntarily, without any pressure and coercion. Even before this Court also, the parties are not disputing the factum of compromise arrived at between them.

5. No objection has been raised by the learned State counsel on a specific query put to him by the Court with regard to quashing of the

FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case.

6. In view of the above, this Court is fully convinced that the offences are entirely personal in nature and did not affect any public peace or tranquillity and thus, quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Accordingly, the impugned FIR and all consequential proceedings resulting therefrom, qua petitioner, are hereby quashed.

7. Petition is allowed.

(MAHABIR SINGH SINDHU)
JUDGE

April 20, 2018
naresh.k

Whether reportable?	Yes
Whether reasoned/speaking?	Yes