

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

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CRM-M No.565 of 2018

Date of Decision: April 25th, 2018

Gurpreet Singh alias Gopi

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. Manvinder Singh Bal, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 10.01.2018, following order was passed:-

“Prayer in this petition is for quashing of FIR No.132 dated 24.12.2016 (Annexure P-1) under Section 500 of IPC and Section 67 of Information Technology Act, 2000, registered at Police Station Badhni Kalan, District Moga, on the ground that a compromise has been entered into between the parties and copy of the affidavit dated 21.11.2017 (Annexure P-) of respondent no.2-complainant in acknowledgement thereof has been placed on record.

Notice of motion.

On the asking of the Court, Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1-State.

Copy of the petition has been supplied to the State counsel.

Mr. H.S. Mavi, Advocate, puts in appearance on behalf of respondent no.2 and acknowledges the fact that the compromise has indeed been entered into between the parties and he also owes the affidavit dated 21.11.2017 of respondent No.2-Jaswinder Singh, Sarpanch.

In the light of the above, parties are directed to appear before the Chief Judicial Magistrate/Illaq Magistrate, Nihal Singh Wala, on 07.02.2018, who shall record their statements

and send a report to this Court as to whether the compromise is genuine and without any pressure or undue influence. The Magistrate shall also intimate if the petitioner has been declared as proclaimed offender.

Copy of this order be sent to the Magistrate for compliance.

To come up before this Court on 16.03.2018.”

In pursuance to the said order, parties appeared before the Sub Divisional Judicial Magistrate, Nihal Singh Wala, on 09.02.2018 and got recorded their respective statements.

On the basis of the statements of the parties recorded by Sub Divisional Judicial Magistrate, Nihal Singh Wala, it has been concluded that the Court is of the opinion that the matter has been amicably settled between the parties and the compromise is genuine, voluntary and without any coercion or undue influence.

Counsel for the petitioner, on the basis of the said report of Sub Divisional Judicial Magistrate, Nihal Singh Wala, prays that the present petition may be allowed and the FIR along with all consequential proceedings arising therefrom may be quashed.

Keeping in view the report of the Sub Divisional Judicial Magistrate, Nihal Singh Wala, where the compromise which has been entered into between the parties has been found to be genuine, it would be in the interest of justice that the parties are not forced to come to the Court as no useful purpose would be served, with the proceedings continuing further.

In view of the above and 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.132 dated 24.12.2016 under Section 500 of IPC and Section 67 of Information Technology Act, 2000, registered at Police Station Badhni Kalan, District Moga and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

April 25th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No