

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

275

CRM-M-7738-2019

Date of Decision:28.05.2019

Hans Raj @ Raju

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Dushyant Bhardwaj, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

None for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.30 dated 15.02.2018 under Sections 509, 354-A(1)(3) IPC and Section 67-A of Information and Technology Act, 2000, registered at Police Station City Sunam, District Sangrur, Punjab (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.12.2018 (Annexure P-2).

Though as per office report, notices could not be issued to the respondents as process fee was not filed, but as the report has been received from learned Sub-Divisional Judicial Magistrate, Sunam, issuance of notice to complainant-respondent Nos.2 and 3 is not required.

This Court vide order dated 20.02.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the

genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Sub-Divisional Judicial Magistrate, Sunam and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.04.2019 to the effect that the compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence.

Though, today no one is present on behalf of respondent No.2-complainant, namely, Anurag Gupta and respondent No.3-Rajni Gupta, but no prejudice would be caused to them as they have already made a joint statement with regard to compromise before learned Magistrate on 29.03.2019. The same is reproduced as under:-

“Stated that present FIR No.30 dated 15.02.2018, u/s 509, 354(A)(i)(iii) IPC and Section 67-A of IT Act, P.S. City Sunam was registered on our statement against accused Hans Raj @ Raju son of Ram Krishan R/o Abdulla Bhadur, Sultanpur, Uttar Pradesh, India. We have compromised with the accused. The compromise is voluntarily with free consent and without any threat, coercion, undue influence and fear. No accused is PO in the present case. We have no objection if the present FIR is quashed.”

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble

Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and FIR No.30 dated 15.02.2018 under Sections 509, 354-A(1)(3) IPC and Section 67-A of Information and Technology Act, 2000, registered at Police Station City Sunam, District Sangrur, Punjab (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 18.12.2018 (Annexure P-2), subject to payment of costs of ₹5,000/- to be paid by the petitioner, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. He shall produce a receipt with the Registry.

May 28, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No