

278.

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

CRM-M-11835-2019

Date of decision:14.05.2019

RAJAN CHOPRA

... Petitioner

versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Anshul Sharma, Advocate, for
Mr. Siddharth Sharma, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

None for respondents No.2 & 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.222 dated 27.12.2018 registered under Section 354-D of IPC and Section 67 of Information Technology Act, 2000 at Police Station Division No.3, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 25.02.2019 (Annexure P-2).

This Court vide order dated 14.03.2019 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 Additional Chief Judicial Magistrate, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 20.04.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Vinay Shukla as well as his wife Isha Shukla i.e. respondent No.3, but no prejudice would be caused to them as they have already made a joint statement with regard to compromise before learned Magistrate on 11.04.2019. The same is reproduced as under:-

“Stated that the FIR matter no.222/18, u/s 67 of IT Act and 354-D of IPC, PS Div. No.3, Jalandhar has been compromised with the accused namely Rajan Chopra S/o Harinder Chopra, with the intervention of the family members. Said compromise is voluntary and force and promise by the opposite party. Sole accused Rajan Chopra has filed quashing petition before Hon'ble High Court and we have no objection if the same is accepted. Isha Shukla is the only victim in this case FIR. The copy of the compromise is Ex.C1. wherein we admit the correctness of our signatures at point A. We tender copy of our aadhar cards as proof of our identification.”

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

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 F.I.R. No.222 dated 27.12.2018 registered under Section 354-D of IPC and Section 67 of Information Technology Act, 2000 at Police Station Division No.3, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 25.02.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

14.05.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No