

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

**CRM-M No.38116 of 2018 (O&M)
Date of Decision: 08.02.2019**

MADAN LAL @ SONU

.....Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ketan Antil, Advocate for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

Mr. R.P. Saini, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.398 dated 01.08.2018 (**Annexure P-1**), under Section 67 of Information and Technology Act, 2000 and Section 506 Indian Penal Code, registered at Police Station Ganaur, Sonipat along with all consequential proceedings arising therefrom on the basis of compromise dated 21.08.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No. 2.

Reply by way of affidavit of Sandeep Kumar, HPS, DSP, Ganaur on behalf of respondent No.1 has already been filed and the same is taken on record. A copy thereof has been supplied to the opposite side.

As per the allegations in the FIR, it has been alleged that on 13.07.2018 the accused has abused the complainant on phone and also sent her obscene messages. When the husband of the complainant enquired from the accused, upon which he started threatening to kill them both.

Heard learned counsel for the parties and perused the paper book.

On 01.12.2018, this Court has passed the following order:-

“The present petition has been filed for quashing of FIR No.398 dated 01.08.2018 registered under Section 67 of Information and Technology Act, 2000 and Section 506 IPC at Police Station Ganaur, District Sonipat and all subsequent proceedings on the basis of compromise.

Let the parties now appear before the Trial Court/Illaqa Magistrate on 14.12.2018 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial Court/Illaqa Magistrate is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Trial Court/Illaqa Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not, before the next date of hearing.

Adjourned to 28.01.2019.”

In terms of above order, the statements of the parties were recorded by learned Sub Divisional Judicial Magistrate, Ganaur and submitted a report dated 19.12.2018. The operative part of the same reads as under:-

'..(i) The compromise between the parties has been effected without any pressure, undue influence and coercion and same is a genuine compromise.'

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as proclaimed offender in this case.

On instructions from the police official, learned State Counsel has

acknowledged the above fact and further stated that he has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Further submits that in the preliminary submissions (ii) of the reply it was clearly mentioned that respondent No.2 got her statement recorded before learned Judicial Magistrate, wherein she has got lodged the FIR due to some misunderstanding. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace and tranquility 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. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner.

February 08, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>