

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

CRM-M-27689 of 2020

Date of decision: 16.11.2020

ABHINAV KUMAR

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Sahil Gupta, Advocate,
for the petitioner.

Mr. Abhinash Jain, Deputy Advocate General, Haryana.

Mr. Deepak Sethi, Advocate,
for respondent No. 2.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The instant petition has been filed for quashing of FIR No.185 dated 03.06.2020, registered under Section 66B of the Information Technology Act, 2008 and Section 408 of the Indian Penal Code at Police Station Sector-50, Gurugram (Annexure P-1) on the basis of compromise dated 09.06.2020 (Annexure P-2) arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 14.09.2020, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded regarding the compromise and a report was called for from the Court.

After recording the statements of the accused-petitioners and complainant-private respondents, the Judicial Magistrate Ist Class, Gurugram has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. The Court has further reported that the accused person has not been declared as proclaimed offender in this case.

The Supreme Court in *Gian Singh Versus State of Punjab and another*, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The Full Bench of this Court in case *Kulwinder Singh vs. State of Punjab and another*, 2007(3) RCR (Criminal) 1052 and Division Bench of this Court in case *Sube Singh and another vs. State of Haryana and another*, 2013(4) RCR (Criminal) 102 held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

Counsel for the parties are also *ad idem* that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.185 dated 03.06.2020, registered under Section 66B of the Information Technology Act, 2008 and Section 408 of the Indian Penal Code at Police Station, Sector-50, Gurugram and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

November 16, 2020

Ess Kay

**[SUVIR SEHGAL]
JUDGE**

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