

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

CRM-M-27709 of 2020

DATE OF DECISION :- November 23, 2020

Rahul Malhotra

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

Ms. Sapna Khurana, Advocate for respondent No. 2.

The case has been taken up through Video Conferencing.

Petitioner Rahul Malhotra has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 4 dated 1.7.2019, for offence under Section 420 IPC, Section 66, 66(D) Information Technology Act, 2000 registered at Police Station Punjab State Cyber Crime, District Crime Wing, against him along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Surinder Kumar Kapoor- arrayed as respondent No.2.

The F.I.R. in this case has been registered on the basis of written complaint submitted by Sh. Surinder Kumar Kapoor, District Forest Officer (Retired), Principal Chief Conservator of Forests, Punjab, Rupnagar to the police levelling allegations of cheating and fraud by an unknown

person in pursuance of the telephonic calls made to him. The matter was investigated during course of which the name of the petitioner cropped up as a culprit and subsequently the matter had been compromised.

When the petition came up for hearing on 14.9.2020, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Ms. Sapna Khurana, Advocate had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court/Ilaqa Magistrate to get their statements recorded with regard to compromise and was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, S.A.S. Nagar, Mohali, in terms of which complainant Surinder Kumar Kapoor and accused namely Rahul Malhotra had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any fear and inducement. Further, the complainant has stated that he has no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Along with the report statement of the complainant and the accused, have been annexed.

I have heard learned counsel for the parties besides going through the record.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any

threat or coercion and in terms of ratio of the authority reported as

Kulwinder Singh and others vs. State of Punjab and others 2007 (3)

RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can effect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the above said FIR along with ancillary proceedings are hereby quashed.

(H.S. MADAAN)
JUDGE

November 23, 2020

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No