

**CRM No.37777 of 2021 in/and
CRM-M-26488 of 2020**

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

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**CRM No.37777 of 2021 in/and
CRM-M-26488 of 2020
Date of decision:12.11.2021**

Pankaj Gupta

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Dhiraj Chawla, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Amit Khatri, Advocate
for respondent No.4.

SUVIR SEHGAL, J. (Oral)

CRM No.37777 of 2021

Prayer in the application is for preponement of the main case
which is fixed for hearing on 25.03.2022.

Notice of the application to the non-applicant/respondents.

Ms. Mahima Yashpal, Deputy Advocate General, Haryana
accepts notice on behalf of the non-applicant/respondents No.1 to 3 and
Mr.Amit Khatri, Advocate accepts notice on behalf of the non-
applicant/respondent No.4.

Counsel for the non-applicant/respondents do not have any
objection in case the prayer made in the application is acceded to.

Application is allowed.

Hearing of the main case is preponed to today and it is ordered to be taken on Board for hearing today itself.

CRM-M-26488 of 2020

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.0081 dated 15.06.2020 registered under Sections 67, 67A of the Information Technology (Amendment) Act, 2008 and Section 354-D of Indian Penal Code, 1860 at Police Station Cyber Crime Gurugram, District Gurugram (Annexure P-1), alongwith all subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties as is reflected in the divorce petition (Annexure P-2) as well as in the statement (Annexure P-4) recorded by the parties before the Family Court.

Counsel for the petitioner submits that marriage between the petitioner and respondent No.4 was solemnized on 27.11.2004 and a daughter was born out of the wedlock on 30.10.2005. He submits that the parties resided together till May, 2019 when they separated due to a marital dispute, which has now been resolved as is apparent from the divorce petition as well as first motion recorded before the Family Court. He submits that in pursuance to the order passed by this Court, the parties have appeared before the Magistrate and their statements have been recorded in support of the compromise. By inviting attention of this Court to para 7 of the petition seeking divorce by mutual consent (Annexure P-2), counsel for

the petitioner submits that all the terms agreed between the parties have been adhered to.

Counsel representing the complainant-respondent No.4 has admitted the factum of compromise as well as the fact that all the conditions of the compromise have been fulfilled. He submits that the marriage between the parties has been dissolved by virtue of decree of divorce by mutual consent passed on 11.01.2021.

Heard.

Vide order dated 22.02.2021, this Court directed the trial Court to submit a report, after recording the statements of the parties regarding the genuineness of the compromise and to intimate as to whether PO proceedings are pending against any of the parties. Report has been received and the relevant extract thereof, is reproduced as under:-

“4. It is submitted that I am satisfied that the matter has been settled between the parties amicably/voluntarily without any pressure or coercion.

5. None of the parties to the petition have been declared proclaimed offender in the present case.”

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. In **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCeJ 1146**, Supreme Court has held that Section 320, Cr.P.C is not an embargo against invoking inherent powers by the High Court under Section 482, Cr.P.C.

From the factual matrix noticed above, it is apparent that the dispute between the parties is on account of marital discord and the parties have decided to bury the hatchet by voluntarily entering into a compromise.

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.0081 dated 15.06.2020 registered under Sections 67, 67A of the Information Technology (Amendment) Act, 2008 and Section 354-D of Indian Penal Code, 1860 at Police Station Cyber Crime Gurugram, District Gurugram, (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

November 12, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes