

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

CRM-M-29425-2020 (O&M)

Date of decision: 28.1.2021

Maninder Pal

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. R.K.Arya, Advocate, for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Ms. Sukhveer Kaur Brar, Advocate, for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Prayer in this petition is for quashing of FIR No.25 dated
10.3.2020 registered under Sections 354-A, 354-D IPC and 67, 67(A) of
Information Technology Act, 2000 at Police Station Bhaini Mian Khan,
District Gurdaspur on the basis of compromise (Annexure P-2).

The present petition has been filed by the petitioner through his
attorney Mohan Lal who is his father.

The above stated FIR was registered on the statement of the
complainant/respondent No.2-Manpreet Kaur.

During the course of preliminary hearing, the trial Court/Illaq
Magistrate was directed to record the statements of the all the concerned
parties with regard to genuineness and validity of the compromise vide

order dated 4.12.2020.

Report has been received from Judicial Magistrate, 1st Class, Gurdaspur, as per which complainant Manpreet Kaur and Mohan Lal being the attorney of the petitioner had appeared in the Court below and their statements were recorded in which they have admitted to have entered into a voluntary compromise, without any pressure, coercion, undue influence and inducement from any quarter. In its report, the Court concerned also observed that from the statements of the parties, it appears that the compromise is genuine, voluntary and without any pressure, coercion or undue influence. In the said report, it is also mentioned that only one person namely petitioner-Maninder Pal has been arrayed as accused and he is not declared as proclaimed person.

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

The Division Bench of this Court in **Mangal Dass Gautam and another v. State of Haryana and another**; CRM-M-6890-2013 decided on 1.6.2018 held that a petition under Section 482 Cr.P.C. can be filed by a power of attorney holder. In view of this, the present petition filed by the petitioner through his attorney Mohan Lal is maintainable.

As per allegations in the FIR, the petitioner was unnecessarily harassing respondent No.2 by making her obnoxious phone calls and he also used to send her photographs and recordings to her fiance Narinder Singh.

Counsel for the parties are *ad idem* that the compromise which has been effected between the parties is genuine and resultantly, the FIR is liable to be quashed.

Counsel for both the parties admitted that at present, the

petitioner is residing abroad and he is being represented by his father who is duly appointed attorney.

Counsel for respondent No.2 has no objection even if the petitioner (accused) has not appeared in the Court below to record his statement regarding the compromise which has been effected between the parties.

In the light of the aforesaid and the report submitted by the Court below, it stands proved on the record that the parties have amicably settled their dispute by means of compromise (Annexure P-2).

This Court is of the view that the said compromise is in the welfare and interest of the parties and there will be no illegality if the same is accepted by this Court. The end of the criminal proceedings will set the matter at rest to enable both the parties to live in peace and enjoy the life in a dignified manner.

For the reasons aforestated and having regard to the principles laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, this petition is allowed and the above said FIR along with ancillary proceedings are hereby quashed.

Needless to mention that both the parties will abide by the terms and conditions of the compromise Annexure P-2 in letter and spirit.

(**KARAMJIT SINGH**)
JUDGE

January 28, 2021
Paritosh Kumar