

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(226)

CRM No. M-41863 of 2021
Date of Decision : 09.12.2021

Kavita Devi

...Petitioner

Versus

State of Haryana and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Monika Thakur, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Mohinder Singh Chahal, Advocate for respondent No. 2.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioner is for quashing of FIR No. 704 dated 03.12.2016 registered under Sections 66(1) and 67 of the Information Technology Act, 2000 and Sections 120-B and 506 of the Indian Penal Code, 1860 at Police Station S.G.M Nagar, District Faridabad, Haryana and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

This Court while issuing notice of motion on 06.10.2021 had passed the following order:-

“The present petition has been filed for quashing of FIR No.704 dated 03.12.2016 registered under Sections 66(1) and 67 of the Information Technology Act, 2000 and Sections 120-B and 506 of the Indian Penal Code, 1860 at Police Station S.G.M Nagar, District Faridabad, Haryana and all other

subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

Learned counsel for the petitioner argues that in order to live peacefully, the parties have entered into compromise according to which both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Gaurav Bansal, AAG, Haryana, who has joined the proceedings through video conference, accepts notice on behalf of respondent No.1.

Mr. Mohinder Singh Chahal, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2. He admits the factum of the compromise entered into between the parties.

Adjourned to 09.12.2021.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate on 02.11.2021 for recording of their statement with regard to the compromise/settlement within a period of thirty days from today by moving appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in the FIR,*
- 2. Whether any accused is a proclaimed offender,*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence,*
- 4. Whether the accused persons are involved in any other FIR or not, and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR.”*

In pursuance to the above mentioned order, a report has come

from Judicial Magistrate Ist Class, Faridabad addressed to the Registrar General of this Court dated 18.11.2021 along with the statements of the accused-petitioner as well as the complainant. The relevant part of the said report is as under :-

“From the statements of both the parties, it comes out that the parties in the present case have compromised the matter with their free will and full senses so that they may live in peace and harmony and to avoid any future conflict/enmity between the parties. So the compromise between the parties appears to be genuine and valid. It is further submitted that there is only one accused in the present FIR and accused has not been declared proclaimed person in this case and no other case is pending against her. It is further submitted that there is only one victim in the present FIR.”

As per the said report, the compromise between the parties is bona fide and is not a result of any pressure or coercion on any of the parties to the compromise and the accused has not been declared as proclaimed offender and no other criminal proceedings are pending against her.

Learned counsel for the petitioner submits that in order to live peacefully, the parties have compromised their dispute and, therefore, the present petition may kindly be allowed and the FIR in question may be quashed on the basis of the affidavits/compromise, copies of which have been appended with this petition as Annexure P-3 and P-4 respectively.

Learned counsel for the respondent No. 2/complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Faridabad and does not raise any objection, in case the FIR in question is quashed on the basis of the compromise.

Learned State counsel has also not pointed out any objection in

respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

Keeping in view the totality of the circumstances which have been mentioned herein before and that the parties have already entered into compromise to settle their dispute so as to live peacefully and accused is not a proclaimed offender and there are no other criminal cases against the accused-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, the FIR No. 704 dated 03.12.2016 registered under Sections 66(1) and 67 of the Information Technology Act, 2000 and Sections 120-B and 506 of the Indian Penal Code, 1860 at Police Station S.G.M Nagar, District Faridabad, Haryana and all other subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise entered into between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.15000/- as cost, to be deposited by the petitioner with Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No. 014894600000970, SCO 151-152, Sector 9-C, Chandigarh or A/c No. 100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch.

December 09, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No