

CRM-29003-2022 in/and
CRM-M-5496-2021(O&M)
Date of decision: 20.09.2022

DEVENDER KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. P.S. Jangu, Advocate for
Mr. J.P.Jangu, Advocate for the applicant/petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Amardeep Sheoran, Advocate for
Mr. DPS Joura, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)CRM-29003-2022

This is an application for placing on record the documents pertaining to the age of respondent No.2 as Annexures P-3 and P-4.

CRM application is disposed of and Annexures P-3 and P-4 are taken on record.

Registry to tag the same at appropriate place.

Main case

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.12 dated 22.02.2019 under Section 506 IPC and Section 67(A) of IT Act, 2000 (later on under Sections 354-D of IPC and Section 66-A/66-E of IT Act, 2000 added) registered at Women Police Station Rewari, District Rewari all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that the

his mobile phone.

On 05.02.2021, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.

The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 05.02.2021, learned Judicial Magistrate 1st Class, Rewari has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“In view of the statements of the parties, the compromise effected between the parties appears to be genuine, voluntary and out of free will.”

Learned counsel for the petitioner contends that although the age of respondent No.2 has been mentioned as 17 years in the FIR but the age of respondent No.2 was more than 18 years at the time of registration of FIR as the date of birth has been depicted as 18.08.2000 in the copy of Adhaar Card and school certificate (Annexure P-3 and P-4) respectively. The dispute has been amicably settled between the parties in terms of compromise dated 05.10.2020 (Annexure P-2). The parties are the residents of same village and the amicable settlement will help in maintaining the cordial relations between them in future.

Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so

as to secure the ends of justice because the parties have arrived at a settlement,

out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute between the co-villagers has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.12 dated 22.02.2019 under Section 506 IPC and Section 67(A) of IT Act, 2000 (later on under Sections 354-D of IPC and Section 66-A/66-E of IT Act, 2000 added) registered at Women Police Station Rewari, District Rewari all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

20.09.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No