

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 7075 of 2022
Reserved on: 16.08.2022
Pronounced on : 23.09.2022

Davisha Sharma.....Petitioner

Vs.

State of Haryana and another.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Shalini Sharma, Advocate for the petitioner.

 Mr. Manish Bansal, D.A.G, Haryana.

 Ms. Manpreet Kaur, Advocate for respondent No. 2.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
07	16.01.2020	Cyber Crime, Gurugram, District Gurugram	66 of Information Technology Act

The petitioner, arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 Cr.P.C for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person.

2. During the pendency of the petition, the accused and the aggrieved person have compromised the matter via a settlement deed before the Mediation centre, and its copy is annexed with this petition as Annexure P-2.
3. After that, the petitioner came up before this Court to quash the FIR, and in the quashing petition, impleading the aggrieved person as respondent.
4. On 9.3.22, the aggrieved person Abhishek Kadian (R-2) appeared before the ACJM, Gurugram and stated that there would be no objection if the court quashes this FIR and consequent proceedings. As per the concerned court's report dated 11.3.22, the parties consented to the quashing of FIR and consequent proceedings without any threat.

ANALYSIS & REASONING:

5. Despite the opposition of the State’s counsel to this compromise, the following aspects would be relevant to conclude this petition. In the present case, the offence under Section 66 of the I.T Act is compoundable. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.
6. In Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642, Hon’ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.
7. In the light of the judicial precedents referred to above, given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise deed and its objectives point towards its acceptance.
8. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, 2018 (4) Crimes 324, Hon’ble Supreme Court holds “[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Charge sheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stands vitiated.”
9. Considering the entire facts, compromise, and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings qua the petitioner. The bail bonds of the petitioner are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

23.09.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.