

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15028-2021

Date of Decision: 28.07.2022.

GURKARAN SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Varun Sharma, Advocate, for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Arshdeep Singh, Advocate,
respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No.0028 dated 01.10.2020 under Sections 67 of IT Act and Sections 354-D and 509 IPC registered at Police Station State Cyber Crime, Phase-4, SAS Nagar (Mohali) and all the consequential proceedings arising therefrom on the basis of compromise.

On 25.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Trial Court.

In compliance of the order dated 25.03.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, SAS Nagar, Mohali has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. As pr record and statement of the Investigating Officer, there is only one accused in the present FIR.

2. *The accused has not been declared as Proclaimed Offender.*
3. *In view of the statements so suffered by the parties, this Court is of the considered view that the parties have arrived at a compromise voluntarily and the same is without any coercion and undue influence.*
4. *As per statement of the Investigating Officer, no other criminal case is pending against the present accused in PS State Cyber Crime, Phase-4, Mohali.*
5. *Statement of Investigating Officer has been recorded on 05.05.2022 and as per his statement, there is only one complainant/victim namely Arshjot Kaur in the present FIR. ”*

Briefly, the allegations in the FIR are to the effect that respondent No.2 had received a message from a fake instagram ID and subsequently absurd pictures were received by her.

Learned counsel for the petitioner contends that the dispute has been amicably settled with the intervention of common friends, respectables and relatives. The amicable settlement arrived at between the parties will help them in maintaining cordial relationship in future.

Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

After hearing 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 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.0028 dated 01.10.2020 under Sections 67 of IT Act and Sections 354-D and 509 IPC registered at Police Station State Cyber Crime, Phase-4, SAS Nagar (Mohali) and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

28.07.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No