

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(237)

CRM-M-24389-2017(O&M)

Date of Decision: 08.03.2022

Atul Sharma

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. O.P. Sharma, Advocate for the petitioner.

Ms. Sakshi Bakshi, A.A.G., Punjab.

Mr. R.S. Sidhu, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for quashing of FIR No.340 dated 19.9.2014 under sections 354, 354-A, 341, 506 I.P.C and sections 66-A, 67 of Information Technology Act, registered at Police Station, Civil Lines, Amritsar City and order dated 2.1.2017 passed by the learned Trial Court along with all consequential proceedings arising therefrom.

As per factual matrix, present FIR was registered by the prosecutrix (name concealed). The allegations were levelled against the present petitioner in the FIR regarding making obscene films, taunting and compelling the prosecutrix to make physical relations.

Learned counsel for the petitioner has vehemently contended that the prosecution against the present petitioner is nothing but an abuse of the process of law. Counsel submits that after completion of investigation the prosecutrix and the petitioner settled the dispute amicably. Realizing the compromise arrived at between the parties the investigating agency took into consideration the same and finally opined to present the 'Untraced

Report' in the same. It is submitted that the 'Untraced Report' was filed in the court of competent jurisdiction i.e. CJM, Amritsar. The notice was issued to the complainant/prosecutrix and her statement was recorded on 27.5.2015. Counsel has drawn the attention of this Court to the statement made by the prosecutrix, wherein she has stated that she is agreed with the 'Untraced Report' and she has no objection if the same is accepted. Thereafter, the court concerned declined the same on the ground that as the offences under consideration are non-compoundable, hence, the 'Untraced Report' filed would not be accepted. Finally the court directed for further investigation in the case.

Learned counsel for the petitioner submits that after due investigation and taking into consideration the compromise arrived at between the parties, the investigating agency had rightly filed the 'Untraced Report', which was not opposed by the prosecutrix and the same is apparent from the record. Counsel submits that in view of the facts and circumstances of the case, the prosecution of the petitioner is nothing but an abuse of the process of court. It is further submitted that this is a fit case, where the court should exercise its inherent jurisdiction under Section 482 Cr.P.C to prevent the abuse of the process of the court and to meet the ends of justice.

Learned counsel for the complainant has also supported the contentions raised by learned counsel for the petitioner.

Learned State counsel submits that a status report on behalf of the State has already been filed in this case. She has candidly acknowledged that after completion of investigation the 'Untraced Report' was filed, however, it was the jurisdiction of the court concerned to accept

or reject the same. She further submits that the case is still pending investigation.

I have heard learned counsel for the parties at length and have gone through the record made available.

Admittedly, after the due investigation an 'Untraced Report' was filed before the court of competent jurisdiction, where notice was issued to the prosecutrix and she accepted the same. However, the court concerned had sent the case for further investigation on the ground that the offences were non-compoundable and hence further investigation was directed to be carried out. The case is still under investigation. In the considered opinion of this Court, it would be a futile exercise to prosecute the petitioner any more as the parties have already entered into a compromise, which is *writ large* from the facts and circumstances of the case. I am convinced with the arguments raised by counsel for petitioner that the prosecution of the petitioner in the present case is nothing but an abuse of the process of law and hence to meet the ends of justice the present FIR deserves to be quashed.

In view of the above position, FIR No.340 dated 19.9.2014 under sections 354, 354-A, 341, 506 I.P.C and sections 66-A, 67 of Information Technology Act, registered at Police Station, Civil Lines, Amritsar City and order dated 2.1.2017 passed by the learned Trial Court along with all consequential proceedings arising therefrom are quashed qua the present petitioner.

Petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

08.03.2022

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