

279 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16310-2022 (O&M)

Date of Decision: 21.11.2022

SIMRANJEET SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Arora, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Jagjeet Singh, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 15 dated 10.02.2021, under sections 67A, 66E of Information Technology (Amendment) Act, 2008 and Sections 354-C and 500 of IPC registered at Police Station Sadar Tarn Taran, District Tarn Taran and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 29.04.2022 the parties were directed to appear before the Trial Court 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 of the compromise.

In compliance of the order dated 29.04.2022, learned Addl. Chief Judicial Magistrate, Tarn Taran has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as

under:-

“1. As per the statement of Investigating Officer, there is only one person namely, Simranjeet Singh arrayed as accused in the First Information Report in question.

2. As per the statement of Investigating Officer, the accused has not been declared Proclaimed Offender.

3. As per the statement of Investigating Officer and parties to the petition, the compromise appears to be genuine, voluntary and without any coercion or undue influence.

4. As per the statement of the Investigating Officer, the accused is not involved in any other case.

5. As per the statement of Investigating Officer, there is only one victim/complainant, namely, Kanwaljit Kaur in the First Information Report in question. ”

Learned counsel for the petitioner contends that the petitioner and respondent No.2 were in relationship. The age of respondent No.2 is about 26 years and amicable settlement has been effected between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (Annexure P-2). The compromise is without any pressure and is 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***.

Accordingly, the present petition is allowed and FIR No. 15 dated 10.02.2021, under sections 67A, 66E of Information Technology (Amendment) Act, 2008 and Sections 354-C and 500 of IPC registered at Police Station Sadar Tarn Taran, District Tarn Taran and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

21.11.2022

Janki

**(VIVEK PURI)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*