

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36175-2018 (O&M)

Date of decision : 22.08.2022

Akhil Aggarwal

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Prateek Gupta, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

Mr. H.S. Rakhra, Advocate for
Mr. M.S. Berry, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.29 dated 10.03.2017 registered under Sections 66-C, 66-D of Information Technology Act, 2000 at Police Station Division No.6, Jalandhar.

On 31.03.2022, the following order was passed:-

“Counsel for the petitioner submits that vide order dated 21.08.2018, this Court had directed the parties to appear before the trial court and to get their statements recorded in support of the compromise dated 23.07.2018, Annexure P-5. He submits that there was some dispute regarding the quantum of permanent alimony to be paid to the complainant/respondent No.2 and the matter was referred to the Mediation and Conciliation Centre of this Court, where a fresh compromise was arrived at on 17.09.2019, Annexure

A-2. Counsel submits that under the fresh compromise, petitioner is required to pay an additional amount of Rs.25 lacs, out of which Rs.12.5 lacs has been paid to the complainant/respondent No.2 in connected petition bearing No.CRM-M-36109-2018, which has been allowed by an order passed on even date. Still further, he submits that marriage has been dissolved by mutual consent vide judgment and decree dated 10.07.2020, Annexure A-1, passed under Section 13-B of the Hindu Marriage Act, 1955, by Family Court, Jalandhar.

Upon instructions from ASI Mangat Singh, State counsel submits that final report under Section 173, Cr.P.C. has been submitted, but charge has not been framed.

Counsel for the complainant/respondent No.2 has admitted the factum of the fresh compromise and does not controvert the submission of the counsel for the petitioner.

The parties and Investigating Officer are directed to appear again before the Area Magistrate/Trial Court on 02.05.2022 or any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise in terms of order dated 21.08.2018 passed by this Court.

Report of Area Magistrate/Trial Court be awaited for 22.08.2022. ”

Counsel for the petitioner submits that amount of Rs.12.5 lakhs stands paid to the complainant in CRM-M-36109-2018, pursuant to which the said petition was allowed. He has brought demand draft of Rs.12.5 lakhs which has been handed over to counsel for respondent

No.2. A copy of the same is placed on record in this Court as mark 'X'.

Counsel for the petitioner however submits that earlier a demand draft of Rs.12.5 lakhs was deposited with the Court. He may be granted liberty to move an appropriate application for return of the same. He is permitted to do so.

Counsels are *ad idem* that no dispute between the parties remains now and as per compromise dated 17.09.2019 (Annexure A-2), the present petition deserves to be allowed.

In view of the stand taken by both the parties and compromise dated 17.09.2019 (Annexure A-2), the present petition is allowed. FIR No.29 dated 10.03.2017 registered under Sections 66-C, 66-D of Information Technology Act, 2000 at Police Station Division No.6, Jalandhar and all proceedings arising therefrom, are, hereby, quashed.

(PANKAJ JAIN)
JUDGE

22.08.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No