

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41696-2022

Date of Decision: 02.12.2022

RAJWINDER SINGH AND ANOTHER ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Davinder Kumar, Advocate for
Mr. N.S.Sidhu, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Tejwinder Singh Hundal, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.33 dated 07.04.2016 under Sections 66(E) of Information Technology Act 2000, Sections 4 and 6 of Indecent Representation of Women (Prohibition) Act, 1986 and Section 509 IPC registered at Police Station Phul District Bathinda and all the subsequent proceeding arising therefrom on the basis of compromise.

Briefly, the FIR has been registered on the allegations that the petitioners had edited the photographs of respondent No.2 with an intention to defame him and the same were posted on Whatsapp groups. During the course of inquiry, it had emerged that the petitioner had uploaded nude photographs of men and women from his mobile phone.

On 12.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 12.09.2022, the statements of

the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Phul has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. As per the statement of Assistant Sub Inspector Amrik Singh No.1149/BTI, P.S. Phul, now posted at PS Bhikhi District Mansa, there are only two accused in the present case. As per the statement of complainant Sukhpal Singh, the present FIR was lodged by him against accused Rajwinder Singh and Jagdev Singh only.

2. As per the statement of Assistant Sub Inspector Amrik Singh No.1149/BTI, P.S. Phul, now posted at PS Bhikhi District Mansa, no accused has been declared proclaimed offender.

3. The compromise effected between the parties appears to be genuine voluntary and without any coercion or undue influence. Statements of parties were duly recorded before the undersigned and they were duly identified by their respective counsel.

4. As per the statement of Assistant Sub Inspector Amrik Singh No.1149/BTI, P.S. Phul, now posted at PS Bhikhi District Mansa, the accused persons are not involved in any other FIR/criminal case.

5. As per the statement of Assistant Sub Inspector Amrik Singh No.1149/BTI, P.S. Phul, now posted at PS Bhikhi District Mansa, there is one complainant/victim namely Sukhpal Singh in the present case. ”

Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties in terms of compromise dated 08.08.2022 (Annexure P-2). The petitioner and respondent No.2 are residents of the same village and the amicable settlement will help in

maintaining the cordial relations between them in future.

Learned State counsel has submitted that at the earlier instance, cancellation report was submitted in the instant case but the same was not accepted by the Court of learned Illaqa Magistrate.

Learned counsel 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 of the co-villagers 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.33 dated 07.04.2016 under Sections 66(E) of

Information Technology Act 2000, Sections 4 and 6 of Indecent Representation of Women (Prohibition) Act, 1986 and Section 509 IPC registered at Police Station Phul District Bathinda and all the subsequent proceeding arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

02.12.2022
smriti

(VIVEK PURI)
JUDGE

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