

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

266-A

CRM-M-41825 of 2019 (O&M)

Date of decision:22.09.2022

Ishwar Singh

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sunil Kumar Goswami, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Munish Kumar Garg, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 04.07.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0863 dated 04.10.2017, registered for offences under Sections 65 and 66-D of Information Technology (Amendment) Act, 2008, at Police Station Jind City, District Jind, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of panchayati compromise dated 09.05.2018, Annexure P-3, arrived at between the parties.

Counsel for the petitioner submits that petitioner is the father-in-law of the complainant and FIR, Annexure P-1, is an outcome of a matrimonial dispute between his daughter and complainant-respondent No.2, which has been settled. He submits that statements of the parties have been recorded in support of the compromise in CRM-M-17466-2019, wherein quashing of FIR No. 60 dated 29.01.2015 lodged by his daughter under Section 498, 323, 406 and 506 of the Indian Penal Code, 1860, has been sought.

Upon instructions received from ASI, Vazir Singh, State counsel submits that upon conclusion of investigation, final report has been submitted and no prosecution witness has been examined.

Mr. Munish Kumar Garg, Advocate, who has put in appearance on behalf of complainant-respondent No.2, has admitted the factum of compromise as well as statement made by counsel for the petitioner.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 05.07.2022 or on any date thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties;*
- 5. whether any other criminal case is pending against the accused.*

Report of the Area Magistrate/Trial Court be awaited for 12.09.2022.

To be heard with CRM-M-17466-2019.”

Counsel for the petitioner submits that FIR lodged by the petitioner's daughter has been quashed by an order passed on even date by this Court in CRM-M-17466 of 2019.

Report has been received pursuant to above reproduced order and its relevant extract is as under:-

“1. There is only one accused namely Ishwar son of Maman who has been arrayed in the present FIR. He appeared and made his statement regarding compromise. None of the accused has been absconding or declared proclaimed offender.

2. *Complainant-Rajiv Kumar son of Tilak Raj is the only aggrieved person in the present FIR. He appeared and made his statement in support of the compromise effected between him and the accused.*
3. *Case is still pending for recording prosecution evidence.*
4. *Both the parties appeared and stated on oath that they have voluntarily compromised the matter. Complainant suffered a statement that he has voluntarily executed the compromise without any pressure and he has no objection in quashing the present FIR. Therefore, it appears that the compromise is genuine and voluntary and out of free will of the parties.*
5. *As per the statement of IO, no other criminal case is pending against the accused.”*

It is evident from the above that FIR (Annexure P-1) is an offshoot of a matrimonial dispute, which has been amicably settled.

In view of the above development, report of the Trial Court and the judgments of Supreme Court in **B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888** and **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641**, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, petition is allowed. FIR No.0863 dated 04.10.2017, registered for offences under Sections 65 and 66-D of Information Technology (Amendment) Act, 2008, at Police Station Jind City, District Jind (Annexure P-1) and subsequent proceedings arising therefrom, are quashed qua the petitioner.

September 22, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>