

283 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51061-2021
Date of Decision: 11.10.2022

HARKIRAT SINGH WALIA AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishal Khatkar, Advocate for
Mr. Prateek Pandit, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Barjinder Singh, Advocate for respondent Nos.2&3.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 304 dated 02.10.2021, under Sections 354-D (2) of IPC, 1860 and Section 67 of Information Technology Act, 2000, registered at Police Station City Kapurthala, District Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the FIR has been registered on the allegations that respondent Nos.2 and 3 had posted some pictures on social media and petitioner No.1 had posted some bad/objectionable remarks.

On 02.08.2022, 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 02.08.2022, learned Chief Judicial Magistrate, Kapurthala has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

- “a) There are two person namely Harkirat Singh, Jaswinder Singh arraigned as accused in FIR.
- b) As per statement of Investigation officer no accused has been declared as proclaimed offender in this case.
- c) The compromise effected between parties is genuine, voluntary and without any coercion or undue influence.
- d) As per statement of Investigation officer none of the accused is arrayed in any other FIR.
- e) As per statement of Investigation officer there is one victim namely Nitika Walia and one complainant Rajiv Walia in this case.”

Learned counsel for the petitioners contend that the dispute has been amicably settled between the parties in terms of the compromise dated 25.10.2021, Annexure P-2. The parties are related to each other and the compromise has been effected with the intervention of the respectables and other relatives. The amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel for respondent Nos.2 & 3 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 of the relatives 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. 304 dated 02.10.2021, under Sections 354-D (2) of IPC, 1860 and Section 67 of Information Technology Act, 2000, registered at Police Station City Kapurthala, District Kapurthala and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

11.10.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No