

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-47265-2019

Date of decision : 08.09.2022

Atul Mathur

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. B.S. Sudan, Advocate
for the petitioner.

Mr. R.K. Ambavta, Asstt. Advocate General, Haryana
for respondent No.1/State.

None for respondent No.2.

PANKAJ JAIN, J. (ORAL)

The petitioner has approached this Court seeking quashing of case FIR No.8 dated 28.03.2018, registered for the offences punishable under Sections 406, 420 of the Indian Penal Code, 1860 (later on Section 66 of Information and Technology Act, 2000 added), at Police Station Cyber Crime Police Station Gurugram, District Gurugram (Annexure P-1) on the basis of compromise dated 01.10.2019 (Anneuxre P-2).

2. On 15.01.2020, the following order was passed :-

“Mr. Pradeep Kumar, Senior Manager-Logistics has appeared on behalf of respondent No.2 and place on record Authorization Letter.

The private parties are directed to appear before the trial Court/Illaq Magistrate on 21.01.2020 or any other date

convenient to the Court for recording their statements with regard to compromise/settlement. The trial Court/Illaqa Magistrate is directed to submit a report before the next date of hearing i.e. 10.02.2020 containing the following information :-

1. Number of persons arrayed as accused in FIR.
2. Whether any accused is proclaimed offender.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other case or not.
5. Current stage of the case.

The trial Court is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

The trial Court/Illaqa Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.”

3. Pursuant to the aforesaid order, report has been received from Judicial Magistrate 1st Class, Gurugram, who has reported as under :-

“The report as desired by the Hon'ble High Court is as follows:-

1. The compromise has been effected between the parties genuine, voluntarily and without any pressure.
2. No other case is pending against the accused.
3. The accused has not been declared P.O.
4. Current stage of case is prosecution's evidence.
5. Only one person namely Atul Mathur is arrayed as accused in FIR.

Further as per the statement of the IO there is only one

victim/complainant in the FIR namely Clue Network Pvt. Ltd.
and the FIR was registered at the complaint of Sandeep
Mathur on behalf of Clue Network Pvt. Ltd.”

4. Respondent No.2 has remained unrepresented. Though, as per the report, Sh. Pardeep Kumar, Authorized Signatory of respondent No.2 appeared before the Concerned Magistrate and suffered a statement admitting the fact of there being compromise between the parties and submitted his no objection in case the FIR and all proceedings subsequent thereto against the present petitioner are quashed

5. Similarly, learned Assistant Advocate General, Punjab has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

6. Keeping in view the aforesaid facts, the present petition is allowed. FIR No.8 dated 28.03.2018, registered for the offences punishable under Sections 406, 420 of the Indian Penal Code, 1860 (later on Section 66 of Information and Technology Act, 2000 added), at Police Station Cyber Crime Police Station Gurugram, District Gurugram (Annexure P-1) on the basis of compromise dated 01.10.2019 (Anneuxre P-2) and all proceedings subsequent thereto are hereby quashed *qua* the present petitioner.

September 08, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No