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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-26203 of 2023****Date of decision: 27.07.2023**

Mohd. Asharaf and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent: Mr. Neeraj Saini, Advocate,
for the petitioners.

Mr. S.K. Panwar, Addl. A.G., Haryana.

Mr. Satbir Singh Kanwar, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J.

1. The petitioners are seeking to quash FIR No.33 dated 20.05.2019 under Sections 406 and 420 IPC and 66d of Information Technology (Amendment) Act, 2008 (Sections 467, 468, 471 and 120B IPC added later on) registered at Cyber Crime Police Station, District Gurugram with all subsequent proceedings arising out of the FIR on the basis of compromise effected between the parties (Annexures P2 and P3).

2. Vide order dated 22.05.2023 of this Court, the parties were directed to move an application before the learned trial Court/Illaq Magistrate concerned to get their statements recorded regarding the compromise arrived at, between them.

3. Report dated 01.07.2023 has since been received from the learned Judicial Magistrate Ist Class, Gurugram in pursuance of the direction of this Court. As per the report, compromise has indeed been

effected between the parties and the same is without any pressure or coercion and out of their free will. The trial Court has annexed the of the statements of the parties in original alongwith its report.

4. Learned State counsel also submits that there is one more accused, namely Imran other than the petitioners, who is yet to be arrested. Learned counsel for the complainant has also not opposed the submissions made by the learned counsel for the petitioners.

4. In view of the report of the learned Chief Judicial Magistrate, Fatehgarh Sahib and the principles laid down by the Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***, and also by the Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, the instant petition is allowed. The aforesaid protest petition, summoning order, FIR and all consequential proceedings arising out of the same, are quashed qua the petitioners.

5. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

27.07.2023

Satyawan

(MANJARI NEHRU KAUL)
JUDGE

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