

2023:PHHC:090599

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

279-2

CRM-M No.31770 of 2022 (O&M)
Date of Decision: 19.07.2023

Jujhar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Arshdeep Singh Khaira, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab
for respondents No.1 to 3.

Ms. Gagandeep Kaur, Advocate
for respondent No.4.

MEENAKSHI I. MEHTA, J. (Oral)

CRM No.29313 of 2023

This application has been moved on behalf of the applicant-petitioner for seeking permission to place the judgment passed by learned Additional Principal Judge, Family Court, Gurdaspur, Camp Court Batala on 16.12.2022, on the record as Annexure P-6.

Notice in the application.

Learned State counsel and learned counsel for respondent No.4 accept the notice and submit that they have no objection in allowing the present application.

Keeping in view the above-said fact as well as the reasons as

mentioned in the instant application, the same is allowed as prayed for and Annexure P-6 (Colly) is taken on the record.

CRM-M No.31770 of 2022

The petitioner herein has sought the quashing of the FIR bearing No.0002 dated 09.01.2021 registered at Police Station Qadian, District Batala, under Section 469 IPC and Sections 66(C) & 66(D) of the Information Technology Act, 2000 as well as all the consequent proceedings arising therefrom, while averring that the parties have arrived at a compromise in respect of their dispute, leading to the registration of the said FIR.

2. Shorn and short of unnecessary details, the allegations, as levelled by respondent No.4-complainant Malkit Kaur in the subject FIR, are that the petitioner, her husband, had hacked her phone as he knew the password thereof and had sent the objectionable messages and her personal chat to several persons along-with her photo/picture.

3. Vide the order dated 29.11.2022 as passed by the Co-ordinate Bench, the parties were directed to appear before the Area Magistrate/Trial Court on 11.01.2023 for recording their statements in respect of the afore-said compromise. In compliance of this order, learned Judicial Magistrate 1st Class, Batala, recorded their (parties') statements and has submitted her report (as already available on the file), while mentioning therein that in view of the statements of the parties, she was satisfied that the compromise affected between them is genuine and is not the result of any pressure or coercion and the accused has not been declared as proclaimed person/

offender in this case and as per the statement of the Investigating Officer, the above-said FIR has been registered against one person, the petitioner, on the basis of the statement of complainant Malkit Kaur, i.e respondent No.4 and no other FIR/complaint is pending against him (petitioner). The statements of the petitioner, the complainant and the Investigating Officer named ASI Kulwinder Singh have been annexed with the said report.

4. I have heard learned counsel for the petitioner as well as learned State counsel and learned counsel for respondent No.4 in the instant petition and have also perused the file carefully.

5. The afore-mentioned compromise has been affected to put the dispute between the parties at rest for all the times to come and as is explicit from Annexure P-6, i.e the copies of the judgment and decree passed by the Family Court, the petitioner-husband and respondent No.4-wife have already parted their ways, by way of the dissolution of their marriage on the basis of mutual consent, as envisaged under Section 13-B of the Hindu Marriage Act, 1955. It being so, there are bleak chances of the conviction of the petitioner and in these circumstances, the continuation of the proceedings in the case arisen out of the subject FIR, would be an exercise in futility.

6. Keeping in view the above-discussed facts and circumstances and also the observations as made by Hon'ble the Supreme Court in **Gian Singh Versus State of Punjab and another (2012)4 RCR (Criminal) 543**, the FIR bearing No.0002 dated 09.01.2021 as registered at Police Station Qadian, District Batala under Section 469 IPC and Sections 66(C) & 66(D)

of the Information Technology Act, 2000 as well as all the consequent proceedings arising therefrom (if any), are hereby quashed. The petition in hand stands allowed accordingly.

19.07.2023

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(MEENAKSHI I. MEHTA)

JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No