

286 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44457-2023

Date of decision: 20.11.2023

MAKHAN SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. N.S. Sidhu, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Paramjit Kumar, Advocate for
Mr. Jasjeet Singh Virk, Advocate
for respondents No. 2 to 4.

VIVEK PURI,J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.109 dated 17.06.2022 under Sections 354-C and 506 IPC and Section 66(C), 66(E) and 67(A) of Information Technology Act 2000, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Mukatsar Sahib, Punjab and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 05.09.2023, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.

3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.

Chief Judicial Magistrate , Sri Muktsar Sahib has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

*“1. There is only one person namely Makhan Singh arraigned as an accused in the FIR;
2. As per record and statement of investigating officer, accused has not been declared as proclaimed offender;
3. The compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence;
4. As per record and statement of investigating officer, accused has not been involved in any other case, and
5. As per the statement of Investigating Officer, Gurpreet Singh is the complainant of the present FIR and Armandeep Singh, Gurjot Kaur and Gurpreet Singh are the victims in the present FIR..”*

5. Learned counsel for the petitioners contend that as per allegations, the engagement of the petitioner with respondent No.4 took place but after sometime the engagement was broken. Thereafter, the petitioner had shared some photographs from his instagram account. The dispute between the parties has been amicably settled in terms of the compromise dated 20.06.2023 (Annexure P-2). The matrimonial alliance between the petitioner and respondent No.4 could not fructify and on that account the FIR was registered but the dispute has been amicably settled between the parties.

6. Learned counsel for respondents No.2 to 4 states that he has no objection if FIR is quashed.

7. After hearing the 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. The compromise is without any pressure and a genuine one. In such a situation, continuation of the

prosecution would result in sheer abuse of process of law.

8. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute of the parties 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.

9. 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***.

10. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.109 dated 17.06.2022 under Sections 354-C and 506 IPC and Section 66(C), 66(E) and 67(A) of Information Technology Act 2000, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Mukatsar Sahib, Punjab and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

11. Furthermore, subsequent to the registration of the FIR, offence under Section 201 IPC has been added on the score that the mobile phone of the petitioner has not been got recovered. It is made clear that this order shall also be construed to have been passed with regard to the offence under Section 201 IPC.

12. Resultantly, with the above-said observations made, the instant petition stands allowed.

20.11.2023

neeraj

(VIVEK PURI)
JUDGE