

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

CRM-M-37412-2021

Date of Decision : 26.04.2023

Satya Parkash Sharma

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Robin Lohan, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana
for respondent No.1-State.

Ms. Deepali Gupta, Advocate for respondent No.2.

VIKRAM AGGARWAL, J (ORAL)

Prayer in this petition under Section 482 Cr.P.C. is for quashing of FIR No.467 dated 21.08.2017, registered under Section 66 (D) of Information Technology Act, 2000, at Police Station Model Town, Rewari along with all subsequent proceedings arising therefrom on the basis of a compromise dated 15.12.2018 (Annexure P-2) arrived at between the petitioner and respondent No.2.

Vide order dated 06.12.2022, a Coordinate Bench of this Court had directed the parties to appear before the trial Court/Duty Magistrate for getting their statements recorded with regard to the compromise dated 15.12.2018 (Annexure P-2).

The trial Court/Duty Magistrate was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 06.12.2022 passed by this Court, the parties appeared before the Additional Chief Judicial Magistrate, Rewari and as per the report dated 10.01.2023 submitted to this Court, both the parties got their respective statements recorded in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. The powers under Section 482 Cr.PC can be exercised in such like situations in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be fully in consonance with the direction issued by the Court in “*Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543*”.

In view of the aforesaid report of the Additional Chief Judicial Magistrate, Rewari accompanied by statements of both the parties, the FIR No.467 dated 21.08.2017, registered under Section 66(D) of Information Technology Act, 2000, at Police Station Model Town, Rewari along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

The present petition stands allowed accordingly.

(VIKRAM AGGARWAL)
JUDGE

26.04.2023

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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No