

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

268

2023:PHHC:094381

CRM-M-37839-2019

Date of decision: July 25th, 2023

Gurdeep Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Prateek Pandit, Advocate
for the petitioners.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Mr. Sushant Kareer, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.9 dated 12.12.2014 under Sections 66, 66-D and 67-A of the Information Technology Act, 2000, registered at Police Station Punjab State Cyber Crime, District S.A.S. Nagar and the consequential proceedings arising out of the same, on the basis of compromise affidavit (Annexure P-2) arrived at, between the parties.

Vide order dated 06.02.2020 of this Court, the parties to the compromise had been directed by the coordinate Bench to get their respective statements recorded with regard to the genuineness of the same.. Report has since been received from learned Judicial Magistrate Ist Class, S.A.S. Nagar, in pursuance of the directions of this Court. It has been noticed by the trial Court that qua one of the accused Rajwant Kaur, no compromise is on record as she is stated to be

The trial Court has annexed the copies of the statements of the parties along with its report.

It has been further brought to the notice of this Court by learned counsel appearing for the petitioners that after the registration of the FIR in question, challan had also not been presented.

Learned State counsel too submits that there are no other accused other than the petitioners except accused Rajwant Kaur, who is stated to be residing abroad and respondent No.2 is the only aggrieved person in the FIR in question.

In view of the report of the learned Judicial Magistrate Ist Class, S.A.S. Nagar 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 FIR and all consequential proceedings arising out of it, are quashed.

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

July 25th, 2023

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No