

265 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-47402-2023 (O&M)

Date of Decision: 18.12.2023

MAKHAN GOYAL @ MAKHAN LAL

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gaurav Sharma, Advocate for
Mr. Jagjit Pal Singh Sarao, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG Punjab.

Mr. Ranjeet K. Jaswal, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 112 dated 23.04.2020, registered under Sections 420, 506, 511 and 120-B of Indian Penal Code and Sections 66-A, 66-F and 84-B of Information Technology Act 2000 at Police Station Patran District Patiala and all subsequent proceedings arising therefrom in view of the compromise dated 04.04.2023 (Annexure P-2).

2. The FIR has been registered on the statement of complainant-Jagdish Rai @ Pappu-respondent No. 2 on the allegations petitioner-Makhan Goyal and one Kuldeep Bittu Badesha are dealing as broker for sale and purchase of vehicles as they are in habit of blackmailing customers by making huge profits by quoting less price to the seller and higher price to the purchaser and both the accused persons are nursing

professional rivalry and jealousy against the complainant. The complainant and the said Kuldeep Bittu Badesha have contested the election for the office of President of Car Dealer Association, Patran, in which the complainant won with huge margin and out of the said jealousy both the accused have illegally and unauthorizedly created a parallel car dealer Association Patran and the said action has already been challenged by the complainant by way of Civil suit. It is further been alleged that the said Kuldeep Bittu Badesha and the present petitioner have formed a party and in criminal conspiracy with each other and with a view to cheat deceive and blackmail the complainant, on 11.04.2020, both the accused persons aided and abetted by their partymen have illegally uploaded whatsapp video communication on mobile No. 9888573075 of accused No. 1 while travelling in Ritz car blue colour and accused No. 2-the present petitioner and other abettors and conspirators too illegally uploaded and communicated the same to different persons. The said whatsapp video has been uploaded and circulated/communicated for the purpose of causing annoyance, danger, obstruction, insult and criminal intimidation to the complainant. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate Ist Class, Samana stating that the compromise arrived at between the parties is without any pressure or coercion from any

one and the same is genuine one.

4. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer along with learned counsel for respondent No. 2 admitted the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

7. Consequently, keeping in view the fact that the dispute has been amicably settled between the petitioner and respondent No. 2/complainant and in view of the law laid down by the Hon'ble Supreme Court in **Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256**,

Jayaraj Singh Digvijay Singh Rana Vs. State of Gujrat and Another
2012(4) RCR (Crl.) 589, Narinder Singh and others vs. State of Punjab
and another, (2014) 6 SCC 466 and Ramgopal and another Vs. State
of Madhya Pradesh 2021 SCC OnLine SC 834 and Full Bench of this
Court in Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.)
1052, this petition is allowed and FIR No. 112 dated 23.04.2020,
registered under Sections 420, 506, 511 and 120-B of Indian Penal Code
and Sections 66-A, 66-F and 84-B of Information Technology Act 2000 at
Police Station Patran District Patiala and all subsequent proceedings
arising out of the same are quashed qua the petitioner only.

18.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No