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

CRM-M-52694-2022

Date of Decision: 15.03.2023

Neha Mittal and another

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Mandeep Kaushik, Advocate
for the petitioners.

Mr. Harjinder S. Sidhu, AAG, Punjab
for respondent No.1/State.

Mr. Sunil Kumar Sahore, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.181 dated 31.10.2018 (Annexure P-1), registered under Sections 65, 66 and 67 of Information Technology Act, 2008, registered at Police Station City Khanna-2, Police District Khanna and all the consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

Vide order dated 12.12.2022 passed by this Court, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the genuineness and validity of the compromise.

In compliance thereof, the Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Khanna has submitted a consolidated report vide letter dated 09.03.2023 which indicates that the parties appeared before

the Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Khanna

and got recorded their respective statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine and with free will and consent. Relevant extract of the said report is reproduced as under:-

“It is clear from the statement of complainant, accused persons and investigating officer that there are only two accused persons and one complainant in the present case. Complainant of the case has duly mentioned the name of accused persons involved in the present case as Neha Mittal and Sunaina Singla. Further, complainant and investigating officer have specifically stated that no other person is involved in the present FIR and none of the accused is declared proclaimed offender or is absconding. Investigating Officer ASI Jarnail Singh has specifically stated that all the accused persons and complainant are party to the compromise. The Investigating officer has also specifically stated that no other case is pending against the accused persons. The present challan case is pending for consideration on charge. The compromise Ex.C1 has entered into between the Neha Mittal, Ojasvi Mittal and Sunaina Singla as first party and Aruj Mittal, Darshan Mittal and Sneha Mittal as second party. The perusal of copy of this compromise shows that the said compromise is signed by Neha Mittal and Aruj Mittal and two witnesses. It is pertinent to mention here that accused Sunaina Singla has not signed the said compromise. Although accused Sunaina Singla has not signed the compromise Ex.C1 but she has got recorded her statement in the court on dated 13.02.2023 and specifically stated that she has compromised the matter with the complainant Aruj Mittal with her own free will and without any pressure and coercion. Further she undertook to remain bound by the terms and conditions of the compromise Ex.C1 and the contents of the affidavit as well. So from the statement of Sunaina Singla it is clear that she also admits the compromise Ex.C1 although the same has not been signed by her. The

compromise has been entered into with Darshan Mittal and Sneh Mittal also but they have not signed compromise Ex.C1. The perusal of challan shows that there are no allegations against the accused persons on behalf of Darshan Mittal and Sneh Mittal. From the statements got recorded by the parties, it is clear that all the concerned parties have signed the compromise Ex.C1. As per the statement of ASI Jarnail Singh Investigating officer there is only one complainant namely Aruj Mittal in the present FIR case.

Thus, the said compromise has been found genuine, voluntarily and without any kind of coercion or undue influence, it being result of an amicable settlement arrived at between the parties.

The statement of complainant Aruj Mittal along with photo copy of his Adhar card Ex.C2, copy of compromise Ex.C1, photo copy of affidavit regarding FDR dated 11.01.2023, statement of accused no.1 Neha Mittal along with photo copy of her Adhar card Ex.C3, statement of accused no.2 Sunaina Singla along with photocopy of her Aadhar Ex.C4, statement of Investigating officer ASI Jarnail Singh along with photocopy of his identity card Ex.C5, are also enclosed herewith.”

A perusal of the said report shows that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and the complainant has further endorsed his no objection in case the FIR in question is quashed. They have further stated that the compromise arrived at between them is genuine, voluntary and without any pressure.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the concerned persons and would help in bringing out peace and amity between the parties.

Learned State counsel does not raise any serious dispute regarding quashing of aforesaid FIR in question.

I have heard the learned counsel for the parties and have perused the file.

In the light of judgments rendered by the Hon'ble Apex Court in the cases of *Shakuntala Sawhney Vs. Kaushalya Sawhney, (1979) 3 SCR 639*, *Gian Singh Versus State of Punjab and another. 2012(4) RCR (Criminal) 543* and considering the entire facts, compromise, the statements of the parties recorded before the Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Khanna, and also the report dated 09.03.2023 submitted by the Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Khanna, since the parties have arrived at a compromise by amicably settling their disputes and have decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

Further, in the light of the above mentioned judicial precedents, when the parties have entered into a compromise, then continuation of the proceedings would be mere an abuse of process of the Court.

In order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, I am of the considered view that it would be in fitness of things to quash the FIR on the basis of compromise and by quashing the FIR while accepting the prayer of the petitioners, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.181 dated 31.10.2018 (Annexure P-1), registered under Sections 65, 66 and 67 of Information Technology Act, 2022, registered at Police Station City Khanna-2, Police District Khanna and all the consequential proceedings arising therefrom, are quashed qua the petitioners. However, the same would be

subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the **“Poor Patients Welfare Fund, PGIMER, Chandigarh”** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

All pending application(s), if any, shall stand disposed of.

15.03.2023
Himani

(HARSH BUNGER)
JUDGE

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