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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CRM-M No.53764 of 2023  
Date of decision :20.12.2023**

Arvind Arora

**....Petitioner**

Versus

State of Haryana and anr.

**.....Respondents****CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN****\*\*\***Present : Ms. Shivani Jaglan, Advocate  
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Ankit Chaudhary, Advocate  
for respondent No.2.**\*\*\*****PANKAJ JAIN, J. (ORAL)**

1 By way of present petition, the petitioner is seeking quashing of FIR No.22 dated 20.02.2023 registered under Sections 66c, 67 of IT Act 2008 and 419, 469, 500 IPC registered at Police Station Cyber West, Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.09.2023 (Annexure P-2).

2 Status report by way of affidavit of Vipin Ahlawat, HPS, Assistant Commission of Police, Cyber, Gurugram filed by learned State counsel dated 19.12.2023, is taken on record. Copy thereof supplied to the learned counsel for the petitioner.

3 On 20.10.2023, the following order was passed:

*“Present petition has been filed under Section 482  
Cr.P.C. seeking quashing of FIR No.22 dated 20.02.2023*

*under Sections 66c, 67 IT Act, 2008 and 419, 469, 500 IPC registered at Police Station Cyber West, Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 29.09.2023 (Annexure P-2), which is stated to have been effected between the parties.*

*Notice of motion.*

*Learned State counsel, on service of advance copy of the petition, appears and accepts notice on behalf of respondent-State of Haryana.*

*Mr. Ankit Chaudhary, Advocate appears and accepts notice on behalf of respondent No.2 and admits the factum of compromise.*

*Post it on 20.12.2023.*

*Parties are directed to appear before the Illaqa Magistrate/trial Court in the meantime for recording their respective statement with regard to the compromise on or before the date fixed.*

*A report with regard to veracity of the compromise be furnished to this Court on or before the next date.”*

4 Pursuant to the aforesaid order, report dated 21.11.2023 from Judicial Magistrate 1<sup>st</sup> Class, Gurugram has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“It is humbly submitted that as per the record and police report filed by the SHO concerned, there is one complainant namely Nitesh Manchanda and one accused namely Arvind Arora in the present case.*

*It is further submitted that in pursuance of order of the Hon’ble High Court, complainant Nitesh Manchanda and accused Arvind Arora have appeared before the Court on 27.10.2023. Complainant Nitesh Manchanda, duly identified by Investigating Officer, suffered a statement to the effect that he is complainant in the present case and compromise has been effected between the parties on 29.09.2023 with the*

*intervention of respectable person. He has entered into the compromise voluntarily and the compromise has been effected between the parties amicably, without undue influence or coercion and he has no grievance against the accused.*

*Accused Arvind Arora has also suffered separate statement to the effect that he is accused in the FIR No.22 dated 20.02.2023, under Sections 419, 469, 500 of IPC and Section 66C, 67 of IT Act, 2008, Police Station Cyber West, Gurugram. The compromise has been effected between the parties on 29.09.2023 with the intervention of respectable person. He has entered into the compromise voluntarily and the compromise has been effected between the parties amicably, without undue influence or coercion. He further stated that he has not been declared Proclaimed Offender in the present case and not involved in any other criminal case.*

*Being satisfied that the statements were being voluntarily made, statements of both parties were recorded on oath, wherein they have acknowledged of having entered into compromise.”*

5            Learned counsel for respondents No.2 admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner is quashed.

6            Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

7            I have heard learned Counsel for the parties and have carefully gone through the records of the case.

8            This Court and Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to quash proceeding in non-compoundable offences in the cases of ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, State of Madhya***

***Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688, Kulwinder Singh & others vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052 and Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322 (Criminal Appeal No.1489 of 2012 decided on 29<sup>th</sup> of September, 2021).*** The proposition of law that emerges from the aforesaid decisions rendered by Apex Court and this Court is :

(a) *Power u/s 482 Cr.P.C. vested with this Court is much wise and is unaffected by Section 320 of the Code.*

(b) *However, wider the power greater the caution.*

(c) *The underlining principle while exercising such power is that it can be invoked to quash the proceedings recognizing compromise between the parties in the matters which are overwhelmingly and predominantly of civil character like commercial transactions or arising out of matrimonial relationship or family disputes.*

(d) *The said power is not to be exercised in the prosecutions involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. as such offences are not private in nature and have a serious impact on society.*

(e) *Section 482 Cr.P.C. casts duty upon the High Court to advance interest of justice as well. It is in recognition of this duty casted upon the High Court, that Apex Court held that the High Court would not refuse to quash FIR under Section 307 merely because FIR finds mention thereof. High Court can assess nature of injuries sustained, whether such injuries inflicted on vital/delicate parts of the body/nature of weapons used etc.*

(f) *Such exercise at the hands of High Court would be permissible only after the evidence is collected after investigation and chargesheet is filed/charges framed during the trial. Such exercise cannot be carried out while the matter is still under investigation.*

(g) *While quashing FIR in non-compoundable offences even which are of private in nature, High Court is required to consider antecedents of the accused, conduct of the accused and whether he*

*was absconding or whether he has managed the complainant to enter into a compromise.*

9 Thus, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that it is a fit case to exercise jurisdiction vested u/s 482 Cr.P.C. to quash the FIR as :-

- (i) *The present matter does not fall within the exceptions as carved out in **Laxmi Narayan's** case (supra) i.e. heinous offence.*
- (ii) *The offences alleged are of private nature.*
- (iii) *The parties have compromised.*
- (iv) *As per the report received the compromise is said to be voluntary in its nature.*
- (v) *Complainant/victim is reported to have entered into compromise on his own volition.*

10 Consequently, the petition is allowed. FIR No.22 dated 20.02.2023 registered under Sections 66c, 67 of IT Act 2008 and 419, 469, 500 IPC registered at Police Station Cyber West, Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.09.2023 (Annexure P-2) is, hereby, quashed *qua* the petitioner.

20.12.2023  
*spn*

(PANKAJ JAIN)  
JUDGE

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