

249 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60029-2022(O&M)

Date of Decision: 24.11.2023

VIKRAM ALIAS MOHIT

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Neeraj Saini, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Lalit Kumar Yadav, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.93 dated 11.09.2020, under Sections 354-A, 354-D and 506 IPC and Section 67 of the Information Technology (Amendment) Act, 2008 (Sections 204, 120-B, 419, 506, 468, 471 IPC and Section 67 of the IT Act added later on), registered at Women Police Station Manesar, District Gurugram on the basis of a compromise executed between the parties.

2. Sh. Vikrant, Judicial Magistrate, 1st Class, Gurugram has sent a report with following observations:-

- *The compromise is willful and without any pressure or misrepresentation.*
- *Identity of the parties was ascertained by their respective Advocates.*

- *There is no other accused involved in the matter other than the accused namely Vikram @ Mohit who is not a proclaimed offender in this case.*
- *The case is at the stage of investigation.*
- *As per record given by the investigating officer no other case against any of the accused is pending as on the day.*
- *FIR was registered against the accused only.*
- *Compromise is forwarded in original.*
- *This is your kind information, please.*

3. As per the status report filed by way of an affidavit of Surinder Kaur, HPS, Assistant Commissioner of Police, Crime Against Women, Gurugram filed on behalf of respondent-State, after completion of the investigation, the challan against the petitioner-Vikram @ Mohit and co-accused Pramila was submitted in the trial Court on 12.01.2021. The charges against the petitioner were framed on 13.09.2021 for the offences punishable under Sections 354-A(1)(iii), 419 IPC and 67-A of the Information and Technology Act. However, co-accused Pramila was discharged by the trial Court and now the trial is pending for 12.04.2023 for prosecution evidence.

4. Status report further transpires that the petitioner-Vikram @ Mohit had joined in the investigation and had produced the screen-shots of whatsapp chats with co-accused Pramila regarding giving of phone number and photographs of the complainant. The same were taken into police possession. Similarly, in para No.7 of the status report, it has been stated that mobile phone was found to be registered in the name of one Naveen, who had also joined in the investigation on 10.12.2020. Further, Section 467 IPC was deleted but the mobile phones were taken into police possession and the same were sent to DITAC Lab, Gurugram and the report is still awaited.

5. The Hon'ble Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, has

held that the compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. While exercising powers under Section 482 of the Criminal Procedure Code, in the event of a compromise the power is not limited to matrimonial disputes alone. The only principle that can be laid down which has been incorporated in the Section itself i.e., “to prevent abuse of the process of any Court” or “to secure the ends of justice”. The relevant para No.25 and 28 reads as under:-

“25. To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Criminal Procedure Code The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice.

28. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord- tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Criminal Procedure Code in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation .”

6. Keeping in view the fact that the parties want to bury their dispute and do not want to further drag the litigation, the ends of justice would meet if FIR and consequential proceedings are quashed by accepting the compromise between the parties. Since the compromise is without any coercion and pressure and the allegations in the FIR were not against the society, as such the criminal proceedings deserve to be quashed.

7. Consequently, the present petition is allowed and FIR No.93 dated 11.09.2020, under Sections 354-A, 354-D and 506 IPC and Section 67 of the Information Technology (Amendment) Act, 2008 (Sections 204, 120-B, 419, 506, 468, 471 IPC and Section 67 of the IT Act added later on), registered at Police Station Manesar, District Gurugram, and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioner.

8. Learned Trial Court shall ensure that the screen-shots of whatsapp chat and photographs on mobile No.9671358816 as well as data on the mobile No.9671358816 be permanently erased by the investigating agency with the help of the professionals in the DITAC Lab, Gurugram. Copy of the order be sent to the concerned Sessions Judge for compliance.

9. Pending miscellaneous application(s), if any, also stands disposed of.

**(HARPREET KAUR JEEWAN)
JUDGE**

24.11.2023

P.Bhatt

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No