

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

CRM-M-13817-2024

Date of Decision: - 21.03.2024

2024:PHHC: 041609

DEEPA SINGH

. . . . PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

. . . . RESPONDENTS

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 CrPC, petitioner prays for quashing of the FIR No.142 dated 26.12.2019 (Annexure P1) registered under Sections 66-A, 66-D and 66-E of the Information Technology Act, 2000 [for short 'the Act'] at Police Station Dhakoli, District SAS Nagar, Mohali and final report dated 29.03.2023 presented under Section 173 CrPC, wherein Section 66-A of the Act was deleted, and all other consequential proceedings arising therefrom.

2.1 FIR is based upon a complaint made by Somika Kochhar, working at St. Xavier School, Sector 20, Panchkula. Her husband Sandeep Kochhar is residing in Canada, whereas complainant is residing with her daughter at Panchkula. It was alleged that of late some unknown persons by taking her phone number from one of her colleague had made a WhatsApp group, in which she was being defamed. These persons had made fake Facebook ID in the name of the teachers working in the school and had sent messages to her colleagues and posted wrong posts regarding her. She was

being defamed by posting bad posts. The matter was duly inquired into.

2.2 It will be appropriate to reproduce the conclusion drawn in the inquiry, as mentioned in the FIR itself, which reads as under: -

“Upon which inquiry of application was carried out by DSP Cyber Crime and Economic offences Wing District SAS Nagar, who after inquiry of application, sent their inquiry report to SSP, District SAS Nagar vide diary no. 513/5S/DSP Cyber Cell dated 24.12.2019 and the contents of conclusion report of their inquiry report is as "conclusion report:- from my till date inquiry, statement of witnesses and perusal of documents, it has been found that one WhatsApp group of applicant Somika Kochhar was made from one international number +1 (909) 7428764 in which teachers working with applicant were added. Apart from this by making fake face book ID of relative of applicant, she is being defamed and on the face book Id of Anu Arora, the teachers working with her and the students studying with her daughter Vageesha, are being asked about her and her daughter respectively. In this regard record has been obtained from face book, in which mobile number 9953464888 of Deepa Kathuria is registered in Vanshika Kochhar's ID. Record obtained from face book is annexed herewith. Apart from this Deepa Kathuria is having one international number +1 (909) 7428764 through which Somika extra-marital group has been formed and applicant Somika Kochhar is defamed. During inquiry this fact has also came to light that Deepa Kathuria was operating face book id in the name of Anu Arora through which she had sent messages to teachers working with Somika Kochhar, to obtain personal information of Somika Kochhar and it was she only, who asked friends of Vageesha Kochhar daughter of Somika Kochhar, namely Aakarsh and Anirudh about Vageesha by sending message. Screen shots are annexed. Deepa Kathuria in order to defame Somika Kochhar and to obtain personal information of her, prepared fake face book ID and Deepa Kathuria only formed WhatsApp group in the name of Somika Kochhar by using one international number. Therefore, it is recommended to send the application to police station Dhaukoli to register FIR against Deepa Kathuria and in case, connivance of any other person came to light, than he/she also be nominated and investigation to be carried out. Report is presented, SD/- DSP Cyber Crime and Economic Wing, District SAS Nagar," on which Hon'ble SSP, District SAS Nagar have written SHO Dhaukoli for N/legal Action, SD/- SSP, SAS Nagar. On the receipt FIR No.142 dated 26.12.2019 under Sections 66-A, 66-D, 66-E IT Act, at P.S. Dhaukoli against Deepa Singh Kathuria aforesaid has been and compliance of record has been done at police station. Copy of FIR are being sent to Area Magistrate and officers through post. Incharge control room District SAS Nagar and Circle Officer, DSP Derabassi were informed through telephone and W/M. Case

file alongwith original application are sent to Inspector Gurwant Singh SHO, P.S. Zirakpur through C. Kamaldeep Singh for further investigation. MHC Police Station is instructed to fulfil the record”

After concluding the investigation, final report under Section 173 CrPC has already been filed.

3. It is contended by ld. counsel for the petitioner that petitioner is being falsely implicated; that there is no incriminating material against the petitioner; that ingredients of Section 66-D and 66-E of the Act are not made out, whereas Section 66-A of the Act was deleted long back and in these circumstances, the FIR deserves to be quashed.

4. After going through the detailed inquiry conducted by the police before lodging the FIR and after hearing submissions made by ld. counsel for the petitioner, this Court does not find any ground so as to quash the FIR. After lodging of the FIR, investigation was duly conducted and even the final report under Section 173 CrPC has already been filed, copy of which is Annexure P2. Petitioner has been found to be involved in the crime. The pleas as have been raised here by the petitioner will be available to her during trial. The case does not fall under any of the parameters as laid down by the Hon’ble Supreme Court in “*State of Haryana and others Vs. Ch. Bhajan Lal and others*”1992 AIR 604, for quashing an FIR.

Dismissed.

(DEEPAK GUPTA)
JUDGE

21.03.2024
Vivek

Whether speaking/reasoned?	Yes
Whether reportable?	No