

S. No.269

2024:PHHC:013396

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

Sapna Arora

Vs.

State of Haryana and others

CRM-M-24735 of 2013 (O&M)

Date of Decision:31.01.2024

.....Petitioner

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kanwar Yuvraj Singh, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

Ms. Puja Kumari, Advocate for respondent No.3.

DEEPAK GUPTA, J. (Oral)

In compliance of the order dated 29.11.2023, statements of the parties have since been recorded by the trial Court concerned as per the report dated 22.12.2023 received from learned District and Sessions Judge, Gurugram.

By way of present petition filed under Section 482 Cr.P.C, prayer is made by the petitioner to quash FIR No.311 dated 13.12.2012 registered at Police Station Palam Vihar, Gurgaon, under Section 66-C/67-A of Information Technology Act along with all consequential proceedings arising out therefrom in view of MOU dated 01.07.2023 (Annexure P.12).

FIR was lodged on the complaint of respondent No.3 – Shri K.G. Kuthiala alleging that his daughter-in-law – Sapna Arora (petitioner), had sent obscene photographs with hacked password of e-mail of his son Rohit Kuthiala.

During the pendency of this petition, respondent No.3 – complainant Shri K.G. Kuthiala expired. It was informed on 29.11.2023 to this Court that Shri

Rohit Kuthiala, son of respondent No.3 was the only legal heir of deceased-complainant. It was further informed that all the disputes between the parties have since been settled. Memorandum of Understanding (Annexure P.12) dated 01.07.2023 was placed on record.

Accordingly, petitioner and respondent No.3 through his LR Shri Rohit Kuthiala, vide order dated 29.11.2023 were asked to appear before the trial Court concerned for getting their statements recorded regarding the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Gurugram, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.12.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Learned State counsel as well as learned counsel for respondent No.3 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and FIR No.311 dated 13.12.2012 registered at Police Station Palam Vihar, Gurgaon, under Section 66-C/67-A of Information

Technology Act along with all consequential proceedings arising out therefrom in view of MOU dated 01.07.2023 (Annexure P.12), are quashed qua the petitioner.

January 31, 2024

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No