

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40555-2024 (O&M)

Reserved on: 19.10.2024

Date of Pronouncement: 25.10.2024

Sunita @ Sunita Arya and others

... Petitioner(s)

Versus

State of Punjab and another

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Ms. Shruti Sharma, Advocate for
Mr. Avinit Avasthi, Advocate
for the petitioners.

Mr. Akshay Kumar, A.A.G., Punjab

Mr. Birinder Pal, Advocate
for respondent no. 2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
255	30.05.2024	City Barnala at Barnala	420, 419, 500 IPC, 1860 and 43, 66(c) and 66(D) of Information Technology Act, 2000

The petitioners, arraigned as accused in the above captioned FIR, have come up before this Court under Section 528 BNSS, 2023 for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved persons.

2. During the pendency of the criminal proceedings, the accused and the aggrieved persons have compromised the matter, and its copy is annexed with this petition as Annexure P-3.

3. After that, the petitioners came up before this Court to quash the FIR, impleading the aggrieved persons as respondent no.2.

4. Pursuant to order of this Court dated 22.08.2024, the aggrieved person (Respondent no.2), appeared before the Chief Judicial Magistrate, Barnala and stated that there would be no objection if the Court quashes this FIR and consequent proceedings. The relevant extract of the report of the concerned Court reads as follows:

Name of the reporting Court	Chief Judicial Magistrate, Barnala
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1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	Rupinder Gupta
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	24.09.2024
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No
6.	Names of the accused person(s)	Sunita @ Sunita Arya, Mithu Kar and Satish Tayade
7.	Dates on which the statement(s) of the accused persons(s) recorded	24.09.2024
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes
9.	Whether proclamation proceedings are pending against any accused?	No
10.	Has the police report been filed or not?	No
11.	Notice of accusation /Charges have been framed or not?	No
12.	Sections of statutes invoked in the matter	420, 419, 500 IPC, 43, 66(C) and 66(D) of I.T. Act, 2000
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes

ANALYSIS & REASONING:

5. An analysis of the FIR reveals that there are specific allegations against the petitioners that the offences alleged in the FIR have been committed against Neha Gupta (victim) only, but she has neither been arraigned as a respondent in this nor her statement has been recorded before the concerned Magistrate. She is even not a party to the compromise.

6. Since all the victims did not state their no objection to the compromise and also the reasons which led to the compromise, as such this Court cannot proceed further in this matter.

7. Given above, the petition is dismissed. However, liberty is reserved to the petitioners to file a fresh petition and there would be no necessity to re-examine the complainant and the accused, whose statements stand recorded. The copies of the statements along with report would suffice.

Petition dismissed in the terms mentioned above, with liberty reserved.

(ANOOP CHITKARA)
JUDGE

October 25, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No