

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

295

1.
- CRM-M-56364-2023 (O&M)
Date of decision: 14.03.2024

KRXXXXXX

...Petitioner

Versus

STATE OF HARYANA AND ANR

...Respondents

2.
- CRM-M-58560-2023 (O&M)

IMXXXXXX

...Petitioner

Versus

STATE OF HARYANA AND ANR

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. R.S. Rai, Sr. Advocate with
Mr. S.S. Das, Mr. Anubhav Bansal, Mr. Annie Mittal, Advocates
for the petitioner in CRM-M-56364-2023.

Mr. Anjum Ahmed, Advocate
for the petitioner in CRM-M-58560-2023.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

Mr. Puneet Sharma and Mr. Oshin Swami, Advocates
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1.
- This common order shall dispose of the above-mentioned two criminal

miscellaneous petitions as they arise out of the same FIR.

2. The present petitions have been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.43 dated 29.06.2022, under Sections 66(C), 67(A) of the Information Technology Act, 2000 (Sections 354-D, 384, 467, 468, 120-B, 504 and 204 IPC added later on) registered at Police Station Women, Gurugram, District Gurugram (Annexure P-1), on the basis of compromise dated 17.08.2023 and 24.09.2023 (Annexure P-2) arrived at between the parties.

3. As per the facts, the FIR was registered at the instance of respondent No.2 against unknown persons with the allegations that on 16.06.2022, she got a link of a social media application which contained her pictures and had vulgar comments on those pictures. She immediately reported this matter in Cyber Crime, however, on 29.06.2022, certain WhatsApp messages were sent through different mobile numbers to her contact list containing morphed chat and morphed obscene videos with her face on it.

3.1. As per reply by way of affidavit of Dr. Kavita, HPS, Assistant Commissioner of Police, CAW, East Gurugram filed on behalf of respondent-State, the complainant who is working as Dermatologist also got recorded her statement under Section 164 Cr.P.C. (Annexure R-1) after the registration of the FIR, in which the name of the petitioner-KRXXXXXX in CRM-M-56364-2023 is specifically mentioned. The details regarding the phone number from which the nude photographs of the complainant were received, were obtained from cyber police station and details regarding the E-mail IDs and whatsapp numbers were also obtained. As per the said status report, the ID CAF of mobile number of

Rajesh Kapoor, husband of the complainant was also obtained. However from the above investigation, nothing could come forth and as such the untrace report was written on 09.09.2022.

3.2. As per the reply of the State, further investigation was carried out and the complainant produced screenshots of whatsapp messages pertaining to nude photographs and also produced screenshots of whatsapp chats regarding blackmailing messages, upon this Sections 384, 354-D, 467, 468 IPC were added in the present case. During the investigation, the phone No.8197199642 has been found to be used and phone No.9110211078 has been shown in the IP details were found to be in the name of Asaf Ali Yusuf Saab Kagal. The petitioner-IMXXXXXX in CRM-M-58560-2023 was arrested on 26.12.2022 and the articles were sent to DITAC, Gurugram for analysis. The Cyber Cell, Gurugram was also contacted to obtain details of email ID and whatsapp account details of the petitioner-KRXXXXXX. Challan against the petitioner-IMXXXXXX was submitted before the trial Court on 15.02.2023, which is pending for consideration for framing of charges. During the investigation, the petitioner-KRXXXXXX has come back to India from USA and joined the investigation on 06.12.2023.

4. Learned counsel for the petitioner contends that the matter has been settled between the parties and compromise dated 17.08.2023 and 24.09.2023 (Annexure P-2) have been executed between them, as such, respondent No.2 does not want to take any action in the present FIR.

5. Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

6. Learned State counsel has not raised any objection regarding the

acceptance of the present petition.

7. On 08.12.2023 and 14.12.2023, the parties were directed to appear before the CJM/Illaq Magistrate/trial Court for recording of their statements regarding the compromise.

8. Report dated 13.12.2023 has been received from Chief Judicial Magistrate, Gurugram and report dated 06.01.2024 has been received from Judicial Magistrate First Class, Gurugram, through the District & Sessions Judge, Gurugram. As per the same, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

9. The parties are major. Both the complainant as well as the petitioner-KRXXXXX are in medical profession and are well educated. In the statement recorded under Section 164 Cr.P.C., the complainant has expressed her doubt regarding the involvement of the KRXXXXX and now both of them have voluntarily settled the dispute and arrived at a compromise. As per the status report, the complainant has produced screenshots of whatsapp chats of her husband regarding blackmailing messages. Now, all the parties have given quietus to the matter, which is personal in nature.

10. Keeping in view the facts and circumstances of the case and the fact that the compromise between the parties is genuine and voluntarily made and in view of the ratio of the decision of Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543** and the decision of Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the

compromise between the parties.

11. Consequently, the present petitions are allowed and FIR No.43 dated 29.06.2022, under Sections 66(C), 67(A) of the Information Technology Act, 2000 (Sections 354-D, 384, 467, 468, 120-B, 504 and 204 IPC added later on) registered at Police Station Women, Gurugram, District Gurugram and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.
12. It is further directed that all the contents posted/circulated on the social media be deleted within 2 weeks from today and the State will ensure the compliance thereof.
13. The respondent No.2 and the State shall also have liberty to seek cancellation of this order, in case the final terms and conditions of compromise (Annexure P-2) are violated.
14. Complete particulars of the parties are not mentioned as the offence under Section 354-D IPC is involved.
15. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

14.03.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No