

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

119 CRM-5301-2024 in/and
266 CRM-M-64632-2023
DATE OF DECISION: 27.02.2024

VIJAY PAL AND OTHERS ...PETITIONERS

Versus

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. D.K. Tuteja, Advocate for the petitioner(s).

Mr. G.S. Chhina, AAG, Haryana.

Dr. Kirandeep Kaur, Advocate for respondent No. 2.

SANDEEP MOUDGIL, J (ORAL)

CRM-5301-2024

This application has been filed for addition of Section 408 IPC and Section 66-D of I.T. Act, 2000 and for deletion of Section 419 IPC in the Head Note, Para No.1 and prayer clause of the main petition.

For the reasons recorded in the application, the same is allowed and Section 408 IPC and Section 66-D of I.T. Act, 2000 are added and Section 419 IPC is ordered to be deleted in the Head Note, Para No.1 and prayer clause of the main petition.

Main case

This second petition has been filed under Section 482 Cr.P.C. for quashing of case FIR No.0109 dated 06.11.2023 under Sections 408 and 420 of Indian Penal Code, 1860 and Section 66-D of I.T. Act, 2000 registered at Police Station Cyber West, Gurugram and

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subsequent proceedings arising therefrom, on the basis of settlement deed dated 04.12.2023 (Annexure P-2).

During the pendency of the dispute, the parties have compromised the matter and filed the present petition for quashing of FIR.

Vide order dated 22.12.2023, parties were directed to appear before the Illaqa Magistrate/Trial Court and report with regard to the genuineness of the compromise was called for.

The report dated 31.01.2024 has been received from Civil Judge (Jr. Divn.)-cum-Judicial Magistrate 1st Class, Gurugram, stating that the parties have entered into a compromise, which is genuine, voluntary and without any coercion or undue influence.

Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in noncompoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the

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Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever- lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of '**Gian Singh Versus State of Punjab and another,(2012) 10 SCC 303**'. Furthermore, the broad principles for exercising the powers under Section 482 were summarized by the Hon'ble Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another” (2017) 9 SCC 641**'.

It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

In view of above, FIR No.0109 dated 06.11.2023 under

Sections 408 and 420 of Indian Penal Code, 1860 and Section **66-D** of

I.T. Act, 2000 registered at Police Station Cyber West, Gurugram and subsequent proceedings arising therefrom, on the basis of settlement deed dated 04.12.2023 (Annexure P-2), is quashed qua the petitioners.

The present petition is hereby allowed.

Since the main case has been allowed, the pending application(s), if any is disposed of.

(SANDEEP MOUDGIL)
JUDGE

27.02.2024
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No