



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

279

CRM-M-64593-2025 (O&M)

Date of decision: 11.02.2026

Ravi Dagar @ Ravi

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Marinal Sharma, Advocate for the petitioner.

Mr. Onkar Singh Wahla, Sr. DAG, Haryana.

Mr. Sheesh Pal Singh, Advocate for respondent No.2

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.0047 dated 25.01.2019 under Sections 120B/468/416/499/500 of the Indian Penal Code, 1860 and Section 66 of Information & Technology Act, 2000 registered at Police Station Rohtak City, District Rohtak along with all subsequent proceedings arising therefrom on the basis of compromise dated 02.07.2024 (Annexure P-3).

2. The FIR in the present case has been registered in view of the letter received from the court of Sh. Ashish Kumar CJM Rohtak in case bearing number COMI/03/2019 under section 156(3) of Cr.P.C., relevant part of which reads as under:-

“.....That the Complainant is peace loving and law abiding citizen of India And he is residing at above noted address at Haryana. That once a day on 16/02/2018 the complainant came to know that his family PHOTOGRAPH from face book ID has

been misused after to make a fake ID IN the name of complainant Devhoodasahab for which the complainant has made complaint with Inspector General of police, Rohtak Range, Rohtak, Haryana through Gmail. It is pertinent to mention here that the said complaint marked by said IGP too concerned police department at Rohtak, Haryana for FURTHER necessary legal action and enquiry/investigation. Copy of said complaint dated 16/02/2018 attached herewith as annexure A-1 Collectively. That on 05/03/2018 a Head constable namely Pawan, Police Post Suknpura Chowk has called to the complainant for his statement in the said in the, Police Post Suknpura Chowk and given his statement. Copy of said complaint dated 05/03/2018 attached herewith as annexure A2. That the latter on 06/03/2018. The concerned authority has Make a report to handover this matter to Cyber Cell, Rohtak, for further necessary investigation in this regard as per request made by the complainant. Copy of said report dated 06/03/2018 attached herewith as annexure A-3.that on 22/03/2018. The in-charge of Cyber Crime Cell of District police Rohtak has sent a notice under section 91 Cr.PC. vide letter reference no.632 CC to the in charge face book, security department/custodian of records, 1601 S. California. USA. Copy of said notice under section 91 Cr.P.C. vide letter reference no.632-CC to the in charge face book, security department /custodian of records, 1601 S, California, USA. Dated 22/03/2018 attached herewith as annexure A-4, which is self-explanatory. that thereafter on 27/04/2018, the concerned in-charge of Cyber Crime Cell of cyber crime cell of Rohtak has received IP detail from face book and came to know that the said fake face book account has been registered with face book ID mobile no. 7292033444 which circle is Delhi, Service provider is Vodafone mobile phone registered in the name of Ravi, S/O. Ramphal, address is 572.joganpattii VPO Malikpur, New Delhi. Activation Date is 12/06/2017 Connection is prepaid with ID No. 797344458204

and another mobile no.9911870764 which circle is Delhi, Service provider is Idea, mobile phone registered in the name of Pooia Gupta, D/O. Rakesh Kumar Gupta _Address RZH, 258A. Gall no.8. Rai Nagar. Palam Colony, New Delhi, which connection is prepaid. Copy of said report dated 27/04/2018 with ID detail and face book business record related with said ID concerned, attached herewith as annexure A-5 Collectively which is Self-explanatory. That after To received the said above noted report concerned police has not taken any legal action against any one till date, intentionally and deliberately while crime under Section a 66D Information. Technology Act 2000, which was subsequently amended in 2008, states that "whoever by means of any communication device or computer resource cheats by personating, shall be punished with imprisonment of either description for a term which may extend to three years' and shall also be liable to fine which may extend to one Lakh rupees IPC 468 whoever commits forgery, intending that the a document or electronic record forged shall be used for the purpose of cheating", have electronic records is defined under section 2(1)(t) of the IT Act which reads data. Record or data generated, image or sound". So this is going to include even voice biometrics or stuff like that along with just images and all this attracts 7 years of punishment.ipc 416 person is said to "cheat by personating" if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is. IPC 499 Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said except in the cases hereinafter expected, to defame that person. it is very necessary to mention here that entire enquiry/investigation in this case has been conducted by

concerned investigating agency without to registered any FIR in this regard which is not only violation of mandatory provision of law but crystal clear contempt of strict direction passed by Hon'ble Supreme of India in the matter of Lalita Kumari Versus State of UP Ors, published in 2014(2) SCC 1-61.that after to See no any way the present complainant came under the shelter of this Hon'ble Court for justice. That the offence is under the limitation and the jurisdiction of this Hon'ble court so the Hon'ble court has got territorial jurisdiction to entertain and try the present case under the provision of Law. PRAYER it is therefore, most respectfully prayed that this Hon'ble court may kindly be pleased to direct the superintend of Police Rohtak to Register an FIR against the accused person as pre Hon'bie Supreme Court directions given in Lalita Kumari v/s State of UP & Ors. (published in 2014 (2) sec 1-61 and then to investigate accordingly as per Law that the said fake face book id s Devhoodasaha created on 16/Jan/2018 with registration IP 2405:204:340 3416:506d:77c7:9333:591d may be ordered to be closed immediately to be prevent farther loss of reputation of complainant And or Pass any Other Order and further Orders which this Hon'ble court may deem tit and proper may also be pleased to pass in favour of the Complainant in the interest of Justice."

3. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition.

4 The parties were thus directed to appear before the learned trial Court/Illaq Magistrate vide order dated 17.11.2025 of this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

5 Pursuant to the said order, a report has been received from the Civil Judge (Jr. Divn.)-cum-Judicial Magistrate First Class, Rohtak, vide

Memo No.20 dated 16.01.2026. The relevant extract of the report is reproduced as under: -

“6.. After perusal of statement of the complainant, accused as well as Investigating Officer PSI Satyadev, point wise report of this court is as follows.

(i). Two persons were arrayed as accused in the present FIR but challan was filed before the court only against one accused namely Ravi.

(ii). Only one Sandeep Kumar is complainant/Victim.

(iii). All the accused and complainant/victim are party to the compromise and signed the same.

(iv). No effected person is left out or not arrayed as party in quashing petition.

(v). Accused Ravi was never declared Proclaimed Offender nor any such proceedings against him have been initiated or pending adjudication.

(vi). As per the statement of parties, this compromise is genuine, voluntary and without any coercion or undue influence.

(vii). No other aspect seems relevant.”

6. Status report dated 17.01.2026 by way of an affidavit of Dalip Singh, H.P.S., Deputy Superintendent of Police, C.A.W. Rohtak on behalf of respondent-State has already been filed. The same is taken on record. Learned State Counsel does not dispute the factum of the compromise amongst the parties and does not have any serious objection to the resolution of the dispute amongst the parties.

7. Learned counsel for respondent No.2 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

8. 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'**. The relevant paragraphs are extracted as under:

"16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the

process of any court.

16.5. *The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.*

16.6. *In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.*

16.7. *As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.*

16.8. *Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.*

16.9. *In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and*

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

9 The following relevant factors emerge from perusal of the case as well as the subsequent developments supplementing a case for invocation of the powers under Section 528 BNSS:-

- i. The gravamen of the complaint pertains to the alleged creation of a fake Facebook ID using the complainant's photograph. The matter essentially concerns digital impersonation and reputational grievance rather than financial fraud, extortion, or large-scale cybercrime affecting public at large.
- ii. There is no assertion of monetary loss, identity theft leading to economic damage or dissemination of highly sensitive data. The grievance appears confined to misuse of a photograph and alleged reputational injury.
- iii. The allegations suggest personal animosity or individual grievance rather than organized cybercrime. Courts have consistently held that criminal proceedings arising from personal disputes, lacking wider societal impact, may in appropriate cases be quashed to prevent abuse of process.

- iv. The complaint dates back to 2018 and considerable time has elapsed without substantive investigation or prosecution and no further incident has occurred, thus, the continuation of criminal proceedings may not serve any effective purpose.
- v. The parties have amicably resolved their dispute, and the compromise has been entered into voluntarily, without any coercion, pressure, or undue influence, thereby restoring peace and harmony between them.
- vi. Petitioner is aged about 34 years of age, is settled in life, and continuation of criminal proceedings would serve no reformatory or deterrent purpose, but would only prolong unnecessary litigation.
- vii. In view of the compromise, the likelihood of conviction is remote, as the complainant is no longer inclined to support the prosecution case, rendering the continuation of proceedings a futile exercise.
- viii. Permitting the prosecution to continue, despite the settlement, would result in abuse of the process of law and unnecessary wastage of valuable judicial time.

10. In view of the report of the Civil Judge (Jr. Divn.)-cum-Judicial Magistrate First Class, Rohtak and the principles laid down by the Apex Court in '*Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another*' (2017) 9 SCC 641', the instant petition is allowed. FIR No.0047 dated 25.01.2019 under Sections 120B/468/416/499/500 of the Indian Penal Code, 1860 and Section 66 of Information & Technology Act, 2000 registered at Police Station Rohtak City, District Rohtak along with all subsequent proceedings arising

therefrom is hereby quashed in view of the compromise dated (Annexure P-3).

11. Petition is *allowed* in above terms.

11.02.2026
Sumit Gusain

(VINOD S. BHARDWAJ)
JUDGE

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