



CRM-M-15720-2024

-1-

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

260

CRM-M-15720-2024

Date of decision : 03.03.2025

Shyam Giri

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Pardeep Pawar, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Amit Khari, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Shyam Giri has filed instant petition under Section 482 Cr.P.C. for quashing of FIR No.40 dated 13.02.2023, under Sections 201, 354-D, 500, 509 of IPC, 1860 and Sections 67, 67-A of I.T., Act, 2008 registered at Police Station City Pehowa, District Kurukshetra (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.02.2024 (Annexure P-2).

2. As per the facts of the case, complainant Suman Sharma filed written complaint naming Naveen Kumar for uploading her photographs on facebook with obscene comments. As a result, her image was tarnished in the society. On the basis of said complaint, FIR No.40 dated 13.02.2023 was registered under Section 354-D & 509 of IPC, at Police Station City Pehowa. Statement of the victim was also recorded under Section 164 Cr.P.C. During investigation fourteen obscene photographs were found on facebook ID of



CRM-M-15720-2024

-2-

Naveen Kumar. Offence under Sections 67, 67-A of Information and Technology, Act were added. Facebook record was obtained from cyber cell along with certificate under Section 65-B of Indian Evidence Act. During investigation, it was found that the said facebook ID on mobile phone No.82958-36309 belonged to one Jeet Ram son of Chiman Lal and the holder of said mobile number had already expired. The said mobile phone was used in the name of Naveen Kumar and the SIM No.70271-75108 was in the name of Baba Shyam Giri @ Surendra Giri. His statement was recorded and he was arrested in this case on 25.03.2023. Later on offence under Section 201 of IPC was also added.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 25.11.2024, petitioner and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Judicial Magistrate Ist Class, Pehowa dated 03.02.2025. Statement of respondent No.2 has been recorded, where she confirmed the compromise with petitioner. She confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and she has no objection regarding quashing of FIR.

4. Learned counsel representing State has already filed status report along with affidavit of complainant -Suman Sharma and petitioner-Shyam Giri as Annexure R-1 & R-2 respectively. As per the affidavits, photographs of complainant were deleted from social media and also from phone.

5. Petitioner- Shyam Giri also confirmed this fact in his separate statement. Statement of ASI Renu is also recorded who further confirmed that



CRM-M-15720-2024

-3-

accused is not involved or declared as proclaimed offender in any other criminal case.

6. Therefore, from the report of Judicial Magistrate Ist Class, Pehowa, it is clear that compromise has been effected between the parties without any pressure, coercion or undue influence. They have mutually settled their dispute. No purpose would be served with the continuation of criminal proceedings.

7. Gainful reference can be made to the judgment of Larger Bench of Five Judges of this High Court cited in 2007(3) R.C.R. (Criminal) 1052 tilted as Kulwinder Singh and Ors. Vs. State of Punjab and Anr., where it was explained that ‘there can never be any hard and fast category which can be prescribed to enable the court to exercise its power under Section 482 of Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the section itself i.e. to prevent abuse of the process of any court or to secure the ends of justice.’

8. Therefore, by relying upon the ratio of the aforesaid judgment, no purpose would be served with the continuation of criminal proceedings. Considering these facts, the petition filed by the petitioner is accepted and FIR No.40 dated 13.02.2023, under Sections 201, 354-D, 500, 509 of IPC, 1860 and Sections 67, 67-A of I.T., Act, 2008 registered at Police Station City Pehowa, District Kurukshetra (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

03.03.2025.

Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No