
(2020) 07 MP CK 0113

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 8688 Of 2020

Azhar Quereshi

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 08-07-2020

Acts Referred:

Information Technology Act, 2000 — Section 43A, 66C, 66D
Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 420, 320, 320(2)

Citation : (2020) 07 MP CK 0113

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : D. R. Sharma, Arvind Dwivedi, Manish Nayak

Final Decision : Allowed/ Disposed Of

Judgement

The present petition has been preferred by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 seeking quashment of FIR

registered at Crime No.339/2019 at Police Station Cyber Cell, Gwalior for the offence under Section 420 of IPC and Sections 43-A, 66-C and 66-D of

Information Technology Act, 2000 on the basis of compromise.

It is the submission of counsel for the parties that they intend to enter into the compromise therefore, application under Sections 320 and 320(2) of

Cr.P.C. by way of I.A. No.1978/2020 and I.A.No.1990/2020 have been preferred. Parties fairly submit that they want to give peace a chance and for

that they want to settle their dispute inter se. Under the direction of this Court, the factum of compromise entered into between the parties has been

verified by the Principal Registrar of this Court and according to the said report, parties settled the matter and intended to compromise the matter.

Further under the direction of this Court, an amount of Rs.25,000/- has already been deposited by the petitioner in favour of Army Central

Welfare Fund having A/C No.520101236373338 of Corporation Bank, Chandani Chowk Delhi. Deposit receipt of the same is on record.

A Lean Compromise is better than a Fat Law Suit, instant efforts of the parties indicate the same. It is expected that their bona fide gestures would continue.

The Hon'ble Supreme Court in catena of judgments Jagdish Channa & others Vs. State of Haryana & another, AIR 2008 SC 196,8 Madan Mohan

Abbot Vs. State of Punjab, AIR 2008 SC 196,9 Shiji Vs. Radhika & Another, (2011) 10 SCC 705, Narinder Singh & others Vs. State of Punjab

(2014) 6 SCC 466, B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 67,5 Gian Singh Vs. State of Punjab (2012) 10 SCC 303

and Parbatbhai Ahir alias Parbatbhai Bhimsinhbhai Karmur and others Vs. State of Gujarat and another, (2017) 9 SCC 64,1 laid down that even in

non-compoundable cases on the basis of compromise, criminal proceedings can be quashed so that valuable time of the court can be saved and utilized

in other material cases.

After hearing learned counsel for the parties and taking into account the law laid down by the Apex Court, in the opinion of this Court, continuance of

trial in such matter will be a futile exercise which will serve no purpose. Further the ingredients are mainly under Section 420 of IPC which is

compoundable, therefore, permission to compound the offence is accorded. Under such a situation, section 482 Cr.P.C. can be justifiably invoked to

prevent abuse of the process of law and wasteful exercise by the courts below.

To preserve the resources and bonhomie created between the parties arises out of settlement, in the interest of justice, applications for compounding

the offence vide I.A.No.1978/2020 and I.A.No.1990/2020 are allowed because no fruitful purpose would be served in continuation of trial. Thus,

parties are permitted to compound the offence.

Resultantly, the petition is allowed. FIR registered at Crime No.339/2019 at Police Station Cyber Cell, Gwalior for the offence under Section 420 of

IPC and Sections 43-A, 66-C and 66-D of Information Technology Act, 2000 and subsequent proceedings thereto stand quashed against the

petitioner.

Principal Registrar of this Court is directed to send a copy of this order to the Chief of Defence Staff/Ex-officio Secretary to the Department of

Military Affairs in Ministry of Defence, North Block New Delhi for information purpose about the thoughtfulness of petitioner towards National

Cause.

Petition stands allowed and disposed of in above terms subject to aforesaid conditions.