

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

CRM-M No.41261 of 2017

Date of decision: 19th August, 2019

Sunil Kumar & others

... Petitioners

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. S.S. Kaliramna, Advocate for the petitioners.

Mr. Ripudaman, Asstt. Advocate General, Haryana
for respondent No.1/State.

Mr. Shiva Khurmi, Advocate for respondent No.2.

FATEH DEEP SINGH, J.

Report dated 21.08.2018 of learned Judicial Magistrate 1st Class, Gurgaon has been received whereby after recording statements of complainant Manisha and the accused persons namely Sunil Kumar, Satish Kumar and Sumitra, the Court has shown its satisfaction that the compromise has been arrived at voluntarily, out of free will of the parties, without any undue influence, coercion or pressure.

During the course of submissions, it has been duly conceded by the learned State counsel that there is no medical evidence to prove the offence punishable under Section 377 IPC and thus, puts to doubt its applicability. More so, learned counsel for the complainant/respondent No.2 as well as learned counsel for the accused/petitioners have made statement that as per instructions received, the parties had given final

effect to their agreement settlement/compromise (Annexure P2) and that nothing is due towards anyone on account of this settlement and that the final effect be given to this petition.

Heard.

In the light of the satisfaction shown by the Court and the fact that the dispute between the parties being a pure matrimonial and the offenses for which the accused have been hauled up are not of serious nature, together with the fact that compromise will go a long way in ironing out differences for betterment of future life of the parties and in view of the law laid down in '**Gian Singh v. State of Punjab and another**' 2012(4) RCR (Criminal) 543 and '**Kulwinder Singh and others v. State of Punjab and another**' 2007 (3) RCR (Criminal) 1052, the prayer made in the petition is allowed, proceedings by way of FIR No.400 dated 07.09.2015 under Sections 377, 498A, 34, 323, 506, 406 IPC pertaining to Police Station Rajendra Park, District Gurugram and all consequences arising out of the said FIR qua the petitioners are quashed.

The petition stands disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

August 19, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No