

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

CRM-M No.27266 of 2019

Date of Decision:28.02.2020

Keshav Gupta

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Parveen Kaushik, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Himanshu Rana, Advocate
for respondent No.2.

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JAISHREE THAKUR, J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.0102 dated 14.04.2019 registered under Sections 376(2)(n), 506 Indian Penal Code at Police Station Women DLF Phase-II, Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2) arrived at between the parties.

2. The FIR has been registered against the petitioner on the statement of complainant-Bharti levelling allegations of making physical relations with her on the pretext of marriage but later on refused to do so. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences. It has been agreed between the parties that a marriage will be solemnized and a marriage was performed on 18.06.2019.

It is pleaded that the parties are residing together happily.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Additional Sessions Judge stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Haryana on instructions from the Investigating Officer and learned counsel for respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record.

6. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute and have got married and are residing together, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

7. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble

Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.0102 dated 14.04.2019 registered under Sections 376(2)(n), 506 Indian Penal Code at Police Station Women DLF Phase-II, Gurugram (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioner.

(JAISHREE THAKUR)
JUDGE

February 28, 2020
Pankaj*

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