

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

CRM-M-19801-2021

Date of Decision: 06.07.2021

MANOJ KUMAR

.....*Petitioner*

V/s.

STATE OF HARYANA AND ANOTHER

.....*Respondents*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

(Through Video Conferencing)

Present: Mr. Rakesh Kumar Sharma, Advocate, for the petitioner.

Ms. Ranjana Shahi, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

The prayer in this petition filed under Section 482 Cr.P.C. for quashing of FIR No. 117 dated 14.09.2018 (Annexure P-1) lodged under Sections 376(2)(n), 377, 406, 506 and 34 of the IPC, 1860 registered at Police Station Women, Section 51, Gurugram, District Gurugram and all subsequent proceedings arising out of the said FIR on the basis of compromise dated 16.04.2021 (Annexure P-8).

Learned counsel for the petitioner contents that the petitioner and respondent No.2 had been in a live in relationship since the year 2017. However, due to some misunderstanding and quarrel between them the instant FIR came to be lodged. Still further contends that just two days after the lodging of the FIR, the prosecutrix delivered a baby girl. However, with the intervention of the Panchayat, the misunderstanding between the petitioner and respondent No.2 stand sorted out and they are back to living together. In support of his submissions, the learned counsel has invited the

attention of this Court to the compromise (Annexure P-8) dated 16.04.2021 effected between the parties. A prayer has therefore been made that in the facts and circumstances of the case, FIR No. 117 dated 14.09.2018 (Annexure P-1) lodged under Sections 376(2)(n), 377, 406, 506 and 34 of the IPC, 1860 registered at Police Station Women, Section 51, Gurugram, District Gurugram be quashed as the continuation of criminal proceedings would be an exercise of futility.

The inherent powers vested in this Court under Section 482 are no doubt very wide but such powers have to be exercised with great care and circumspection. Section 320 of the Cr.P.C is “exhaustive of the circumstances & conditions under which composition can be effected”. Adverting to the case in hand, the petitioner is facing trial for offence under Sections 376(2)(n), 377, 406, 506 and 34 of the IPC, 1860. Offence under Section 376 and 377 IPC are excluded from the list of offences enumerated in Section 320 Cr.P.C. qua which compounding can be done. Thus, granting permission to compound the offences under Sections 376(2)(n), 377, 406, 506 and 34 of the IPC, 1860 on the basis of compromise effected between the parties would be patently against law. Moreover, this Court cannot ignore the fact that the trial is underway and the evidence of the prosecutrix already stands recorded. All the pleas taken before this Court can be raised by the parties during trial.

As a sequel to the above, petition stands dismissed.

July 6, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No