

Arsh Kashyap

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Rahul Sharma, Advocate, for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana

Mr. Puneet Gupta, Advocate,

for the respondent no.2.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 17.09.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed seeking quashing of FIR No. 213 dated 21.06.2020, registered for the alleged commission of offences punishable under Sections 323, 342 and 506 of the IPC, at Police Station DLF, District Gurugram, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioner and respondent no 2. A copy of the compromise in the shape of an affidavit has been annexed as Annexure P-3 with the petition.

Notice of motion.

On the asking of the court, Mr. Deepak Bhardwaj, D.A.G., Haryana, accepts notice on behalf of respondent n o. 1-State. A copy of the petition be handed over to learned State counsel during the course of the day.

Respondent no. 2 be served by way of normal process by the next date of hearing.

Adjourned to 26.11.2020.

In the meanwhile, the petitioner as also respondent no. 2, would appear before the learned Area Magistrate up-to 19.10.2020 to record their statements. That court would satisfy itself with regard to the authenticity of the compromise reached and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

The Area Magistrate would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

Learned State counsel would also determine as to whether any other criminal cases, of like nature or otherwise, are pending against the petitioner.”

Thereafter, the report of the learned JMIC, Gurugram, dated 23.11.2020, is on record, stating therein that statement of the petitioner was recorded to the effect that the compromise arrived at is of the consent of the parties and without any pressure, with the complainant (i.e. respondent no.2) also having stated to the same effect, with her further stating that she has no objection if the FIR in question is quashed.

It has further been stated by the learned JMIC that as per the contents of the FIR, respondent no.2 herein, i.e. Suraksha Shekhawat, is the sole complainant and the consent of no other person would be required for the matter to be completely compromised between the parties.

A perusal of the FIR shows that in fact it is one registered on 21.06.2020, alleging therein the commission of the offences already mentioned hereinabove, but with it also stated in the said FIR that the petitioner herein had (as alleged), made forcible relations with the complainant on the pretext of marriage and she had also got another case registered against him alleging therein the commission of offences punishable under Section 376-A, 420 and 406 of the IPC, in which he had been admitted to bail by the competent court at Kota (Rajasthan), after which the complainant was (allegedly) brought to Gurugram by the petitioners' family on the promise of getting her married to the petitioner, but with her allegedly having been tortured and beaten thereafter.

As regards the FIR alleging therein the commission of an offence punishable under Sections 376-A/420/406 of the IPC, learned counsel for the

petitioner as also respondent no.2, both submit that the said matter has also been compromised with an appropriate petition to be filed before the Rajasthan High Court.

Though of course this court would have absolutely nothing to say with regard to that FIR or any compromise reached in respect thereof and whether or not the FIR can be quashed on that basis, as regards the present petition, learned counsel for respondent no.2 again does not dispute the fact that a compromise has been arrived at between the petitioner and respondent no.2 and therefore respondent no.2 has no objection to the FIR in question presently being quashed.

That being so, looking at the nature of offences alleged to have been committed in the FIR in question presently, i.e. FIR no.213, dated 21.06.2020, registered at Police Station DLF, Gurugram, alleging therein the commission of offences punishable under Sections 323, 342 and 506 of the IPC, I would see no reason to proceed with criminal proceedings in view of the settlement between the parties.

Consequently, this petition is allowed and FIR no.213, dated 21.06.2020, is hereby quashed, alongwith all proceedings emanating therefrom.

February 08, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable: : Yes/No