

271 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20223-2022
Date of decision: 07.12.2023

DEEPAK HANSU

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dhruv Shoran, Advocate for
Mr. Vikas P. Singh, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana

Mr. Raman Chawla, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

Through the present petition filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.24 dated 23.01.2020 registered under Sections 376D IPC and Section 6 of Prevention of Children from Sexual Offences Act, 2012 at Police Station Bawani Khera, District Bhiwani and all subsequent proceedings arising therefrom on the ground that the petitioner and respondent No.2 (victim) have got married on 30.11.2021. The marriage certificate issued by the Naib Tehsildar, Bawani Khera is annexed as Annexure P-3

2. The complainant/respondent No.2 while appearing as PW-2 before the learned trial Court has clearly indicated that petitioner has not committed any wrong act with her. The FIR is dated 23.02.2023 and the date of birth of respondent No.2 is 04.07.2003 in a statement annexed as Annexure P-

2. The age of the petitioner is about 22 years.

3. It would be in interest of justice not to disturb the family life of the petitioner and respondent No.2. Respondent No.2/victim has turned hostile before the learned trial Court, the chances of conviction are very bleak and the petitioner and respondent No.2 are happily married since November, 2021.

4. In support of the compromise, the respondent No.2/complainant have already appeared before the trial Court on 12.05.2023 and made their statements regarding the compromise.

5. The Hon'ble Supreme Court in ***K. Dhandapani versus The State by The Inspector of Police*** has set aside the conviction of the accused in FIR registered under similar offences and observed as under:

“.....This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and prosecutrix....”

6. The parties have arrived at a compromise and settled their dispute. 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, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

7. Consequently, keeping in view the aforementioned judgment passed by the Supreme Court and the fact that the petitioner and respondent

No.2 have married and this petition is allowed and FIR No.24 dated 23.01.2020 registered under Sections 376D IPC and Section 6 of Prevention of Children from Sexual Offences Act, 2012 at Police Station Bawani Khera, District Bhiwani and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

December 07, 2023
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |