



RAHUL AND ANOTHER

...PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitish Yadav, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Dinesh Saini, Advocate
for respondents No. 2 and 3.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.143 dated 22.04.2022 under Sections 363/366-A/120-B/419 and 376(2)(o) IPC and Section 6 of POCSO Act, 2012 (added later on) registered at Police Station Kasola, Rewari (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit (Annexure P-2).

2. The following order was passed on 31.08.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.143 dated 22.04.2022 under Sections 363/366-A/120- B/419 and 376(2)(o) IPC and Section 6 of POCSO Act, 2012 (added later on) registered at Police Station Kasola, Rewari (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit (Annexure P-2).

Learned counsel for the petitioner inter alia contends that in the statement of prosecutrix (respondent No.2 herein) under Section 164 Cr.P.C., she categorically stated that she has solemnized marriage with the petitioner on 16.11.2021 and petitioner has never kidnapped her nor committed any wrong against her, which is also

her deposition as PW-3 annexed as Annexure P-1 and she was declared hostile. Learned counsel further relies upon photographs and marriage certificate of petitioner and respondent No.2 (Annexure P-3) and submits that both of them are cohabiting together. Initially respondent No.3 was opposed to their relationship, now she has also accepted the marriage of petitioner and respondent No.2. Reliance in this regard has been placed upon the following:-

Sr. No.	Case Title	Court
1.	K. Dhandapani v. The State 2022(2) R.C.R.(Criminal) 987	Hon'ble Supreme Court
2.	Ananda D.V. V. State and others 2021(OLR) 1074	
3.	Kapil Gupta v. State of NCT of Delhi and others 2022(4) R.C.R.(Criminal) 497	
4.	Jatin Aggarwal v. State of Telangana and others 2022(2)R.C.R(Criminal) 603	
5.	Ranjeet Kumar v. State of H.P. and others MANU/HP/2314/2013	Himachal Pradesh High Court (DB)
6.	Narinder Kaur @ Ninder Kaur and others v. State of Punjab and others CRM-M-41204-2020	Punjab and Haryana High Court
7.	Ashik Ramjan Ansari v. The State of Maharashtra and others 2023 CriLJ 3633	Bombay High Court
8.	Sabari v. Indpector of Police, Belukurichi Police Station and others 2019(3) R.C.R(Criminal) 452	Madras High Court
9.	Jitender Kumar Sharma v. State and others 2010(4) R.C.R.(Criminal) 20	Delhi High Court (DB)
10.	Skhemborlang Suting and others v. State of Meghalaya and others MANU/MG/0054/2022	Meghalaya High Court
11.	Tarun Vaishnav v. State of Rajasthan and others MANU/RH/16181/2022	Rajasthan High Court
12.	Kundan and another v. State	Delhi High Court

	and others CrI.M.C. 27/2022	
13.	Devendranath v. State of U.T. Chandigarh and Others CRM-M-23281-2023	Punjab and Haryana High Court

Moreover, a Full Bench of Delhi High Court in ‘Court on its Own Motion (Lajja Devi) Vs. State’ 2012 (4) CCR 72, has categorically held that in case, the prosecutrix/victim is more than 16 years of age and makes a statement to the effect that she left of her own volition and records a statement indicating that the consent was without any force, coercion or undue influence, the Court will be within its power to accept the statement and quash proceedings under Sections 363 or 376 of IPC. It has been further held that the FIR (supra) can be quashed if after attaining the age of majority, she affirms and reiterates her consent.

Adjourned to 01.10.2024.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 01.10.2024.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of

this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No.143 dated 22.04.2022 under Sections 363/366-A/120- B/419 and 376(2)(o) IPC and Section 6 of POCSO Act, 2012 (added later on) registered at Police Station Kasola, Rewari (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

October 01, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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