



238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8709-2024 (O&M)
Date of decision: 09.08.2024

DHANESH

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bharat Bhushan, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Sandeep Sharma, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.232 dated 27.07.2023 under Sections 323, 354, 376 and 509 of IPC registered at Police Station Sector 5, Panchkula, District Panchkula (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 09.01.2024 (Annexure P-2).

2. The following order was passed on 09.07.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.232 dated 27.07.2023 under Sections 323, 354, 376 and 509 of IPC registered at Police Station Sector 5, Panchkula, District Panchkula (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 09.01.2024 (Annexure P-2).

*Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case and now, both the parties have entered into a compromise. He further relies upon a judgment of the Hon'ble Supreme Court in '**Kapil Gupta Vs. State of N.C.T. of Delhi and another**', 2022 (4) RCR*



*(CrI.) 497, to contend that FIR under Section 376 of IPC can be quashed on the basis of compromise. Learned counsel has further relied upon a judgment of this Court in '**Karan Sharma Vs. State of Haryana and another**', 2021(1) Law Herald 149 and contends that once the parties have compromised the matter and decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.*

Mr. Sandeep Sharma, Advocate puts in appearance on behalf of respondent No.2 and files his memo of appearance. He undertakes to file his power of attorney on or before the next date of hearing.

Service is complete.

Adjourned to 09.08.2024.

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. 09.08.2024.

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 (CrI.) 1052**, this petition is allowed and FIR No.232 dated 27.07.2023 under Sections 323, 354, 376 and 509 of IPC registered at Police Station Sector 5, Panchkula, District Panchkula

(Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

August 09, 2024		(HARPREET SINGH BRAR)
<i>Ajay Goswami</i>		JUDGE
	(i)	Whether speaking/reasoned
	(ii)	Whether reportable
		Yes/No
		Yes/No