

CRM-M-10353-2023

233 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH

CRM-M-10353-2023 (O&M)  
Date of Decision: 05.04.2024

HITESH JINDAL

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Parshant Sethi, Advocate  
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Sumit Sharma, Advocate  
for respondents No. 2 and 3.

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**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. 381 dated 27.09.2017 registered under Sections 67 of Information Technology Act, 2000 (Sections 323, 354-D, 506, 201 of Indian Penal Code and Sections 67-A/67-B of Information Technology Act, 2000 and Sections 8/12 of POCSO Act added later on) at Police Station Dadri City, District Charkhi Dadri along with all subsequent proceedings arising therefrom in view of the compromise dated 19.02.2023 (Annexure P-2).

2. The following order was passed on 29.04.2023:

*“Keeping in view the fact that the parties have entered into a compromise, they are directed to appear before the trial Court/Duty Magistrate on 12.05.2023 or any other date convenient to the Court, for recording their statements with regard to compromise. The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing*

*as regards authenticity and genuineness of compromise after recording statements of all the parties: The trial Court/Duty Magistrate shall also furnish the following information:*

- 1. Whether there is any other accused, apart from the petitioners arrayed in this petition.*
- 2. Whether there is any other complainant or affected/aggrieved party, apart from the respondents arrayed in the petition.*
- 3. Whether the parties are involved in any other criminal case.*
- 4. Whether any of the parties has been declared a proclaimed offender.*

*The trial Court/Duty Magistrate shall send his/her report through the Sessions Judge concerned on or before the date fixed, i.e., 18.09.2023.”*

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. Learned counsel for the petitioner further submits that the facts of the case are distinguishable from the case of ***Ramji Lal Bairwa and Another Vs. The State of Rajasthan And Others***, as in that case, the accused was teacher of the victim and there was a huge age gap between the accused and the victim, however, in the present case, petitioner and respondent No. 3, both are students, studying in the same class and the maximum punishment provided under Section 8 of POCSO Act can extend upto 5 years. Learned counsel for the petitioner relies upon the ratio of law as laid down by Full Bench of Delhi High Court passed in ***Court on its Own Motion (Lajja Devi) versus State 2012(4) CCR 72*** to contend that the respondent No. 2 is major now, and as such in view of the ratio of law laid down in ***Court on its Own Motion (Lajja Devi) (supra)***, the FIR(supra) can

be quashed on the basis of compromise and he further submits that the proximity of the age between the petitioner and respondent No. 2 must be given due consideration and a compassionate view be taken, considering their young age and nature of circumstances and specially the fact that the maximum sentence provided under the offence as alleged in the FIR(supra) are upto 05 years. Reliance in this regard can be 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 and others CrI.M.C. 27/2022                                          | Delhi High Court                 |
| 13.     | Devendranath v. State of U.T. Chandigarh and Others CRM-M-23281-2023                             | Punjab and Haryana High Court    |

5. 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. 381 dated 27.09.2017 registered under Sections 67 of Information Technology Act, 2000 (Sections 323, 354-D, 506, 201 of Indian Penal Code and Sections 67-A/67-B of Information Technology Act, 2000 and Sections 8/12 of POCSO Act added later on) at Police Station Dadri City, District Charkhi Dadri and all subsequent proceedings arising therefrom, are quashed, qua the petitioner.

05.04.2024  
*Ajay Goswami*

(HARPREET SINGH BRAR)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |