

**CRM-M-11464-2024****-1-****251 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-11464-2024****Date of Decision: 08.11.2024****CHARAN DASS****... PETITIONER****VS.****STATE OF HARYANA AND ANOTHER****.. RESPONDENTS****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Sushil Kamboj, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

HARPREET KAUR JEEWAN , J.(ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.92 dated 04.10.2023, under Sections 376, 377, 506 IPC, 1860, registered at Women Police Station, Kurukshetra (Annexure P-1), on the basis of compromise dated 21.02.2024 (Annexure P-3) and affidavit dated 21.02.2024 (Annexure P-4) arrived at between the parties.

2. Vide order dated 03.04.2024, notice was ordered to be issued to respondent No.2 and this Court had directed the parties to appear before the trial Court/Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, the parties have appeared before the Additional Sessions Judge, Kurukshetra and got their statements recorded. Respondent No.2 has given a statement before the learned Sessions Court that she has compromised the matter with the petitioner with

her free will. On the basis of the statements so recorded, the learned



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Additional Sessions Judge, Kurukshetra has submitted the report with the following observations:-

“xxx xxx xxx xxx

(i) the compromise is genuine, voluntary and without any coercion or undue influence;

(ii) the complainant is the only injured/victim in the present case and she alongwith only one accused who is facing trial in the present case is party to the compromise;

(iii) no additional accused has been added during the investigation,

(iv) no accused is a proclaimed offender;

(v) after registration of First Information Report offence punishable under Section 417 IPC was added during investigation; and

(vi) the investigation is complete against the accused and two persons namely Anju Bala wife of Sushil Kumar and Parveen Kaur wife of Prem Kumar were found innocent during investigation.”

xxx xxx xxx xxx”

4. Learned State counsel has not disputed the factum of compromise between the parties.

5. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

6. Following the principles laid down by the Full Bench judgment of this Court in “**Kulwinder Singh and others Versus State of Punjab and another 2007**” (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “**Gian Singh Versus State of Punjab and others**” (2012) 10 SCC 303, the present petition is allowed and FIR No.92 dated 04.10.2023, under Sections 376, 377, 506 IPC, 1860, registered at Women Police Station, Kurukshetra (Annexure P-1), on the basis of compromise dated 21.02.2024 (Annexure P-3) and affidavit dated 21.02.2024 (Annexure



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P-4) arrived at between the parties is ordered to be quashed qua the petitioner.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

08.11.2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No