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CRM-M-17249-2021 (O&M) - 1 -

122+257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-53238-2023 in/&
CRM-M-17249-2021 (O&M)
Date of Decision: 30.05.2024

ABHISAR	V/S	... PETITIONER
STATE OF HARYANA AND ANOTHER		... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

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

Mr. Kirpal Singh Thakur, AAG, Haryana.

Ms. Urvashi Singh, Advocate for
Mr. Mohit, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.178 dated 26.03.2018 registered at Police Station City, District Bhiwani under Sections 363, 366-A IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended), on the basis of compromise having been effected between the parties.
2. After obtaining the status report from the State, a detailed order was passed on 11.03.2024 as under:-

“xxx Learned counsel for the petitioner *inter alia* contends that the petitioner and daughter of the complainant-respondent got married on 27.01.2020 at Indore and they are happily living together with each other. They are blessed with one female child and birth certificate of the child is annexed as



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Annexure P13. Birth certificate of the child reflects name of the parents of the child as Abhisar and Sonali, who are petitioner and daughter of the complainant-respondent No.2.

Status report by way of an affidavit of Ramesh Kumar, HPS, Dy. Superintendent of Police, Hqrs, Bhiwani has been filed on behalf of respondent-State, which is taken on record.

As per the status report, after the registration of the FIR, statement of the prosecutrix was recorded under Section 164 Cr.P.C., however minor girl-prosecutrix denied for her medical examination. The petitioner was declared proclaimed offender vide order dated 05.03.2020, as such, FIR No.682 dated 25.11.2020 under Section 174-A IPC was registered at Police Station City Bhiwani.

Learned counsel for the petitioner submits that the said proclamation order has already been set aside vide order dated 24.01.2024 passed in CRM-M-28196-2023 by this Court. Copy of the said order is produced in Court today, which is taken on record. He further submits that the petitioner has been regularly appearing before the trial Court in the FIR No.178 dated 26.03.2018. He further contends that the matter has been resolved between the parties and compromise has been effected between them, as such respondent No.2 does not want to take any action in the present FIR.

Learned State counsel has verified the factum of marriage between the petitioner and daughter of the complainant-respondent No.2 and has placed on record copy of marriage certificate (Annexure A-3), which is appended with the status report. He has also verified that female child was born out of the said wedlock, which has been proved by birth certificate (Annexure P-13) and Aadhar Card of the child (Annexure P-12), which have also been appended with the status report.

Adjourned to 30.05.2024.

The parties are directed to appear before the trial Court/Illaq Magistrate up-to 24.04.2024 for recording their statements qua compromise. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-

I. Whether a genuine compromise has been arrived at between all the affected parties.

II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?

III Whether during investigation, any additional accused has been added and he/she is a party to the compromise?

IV Whether any accused is a Proclaimed Offender?

V Whether after the registration of the FIR any offence



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was added or deleted during investigation?

VI Whether investigation is pending against any of the accused or any accused has been declared as innocent.”

3. As per the report of the learned Addl. Sessions Judge, Bhiwani dated 02.04.2024, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. None of the accused has been added in the investigation and no accused has been declared as “Proclaimed Offender”.

4. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

5. Considering the peculiar facts and circumstances of the present case, though the FIR was registered at instance of the prosecutrix, however, both the petitioner and the prosecutrix have solemnized marriage on 27.01.2020. They are happily married and living together and they have been blessed with a female child. The factum of solemnization of marriage and birth of the child has been confirmed and verified by the State. Apart from having an effect on the lives of petitioner and prosecutrix, the prosecution on the basis of present FIR would affect the minor child who has been born out of this relationship. In view of the peculiar facts and circumstances of the present case, I am of the considered opinion that it is a fit case for invoking the jurisdiction under Section 482 Cr.P.C. to accept the compromise and quash the proceedings on the basis of compromise, especially in terms of the ratio of the decision of Hon’ble Apex Court in

Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543 and



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the decision of Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052,**

the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

6. Consequently, this petition is allowed and FIR No.178 dated 26.03.2018 registered at Police Station City, District Bhiwani under Sections 363, 366-A IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

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

30.05.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No