



Sr. No.295

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15215-2024
Date of decision: 11th July 2024

ARJUN PAHWA AND ANOTHERPetitioners

versus

STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Saurav Arora, Advocate
for the petitioners.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

Mr. Kushager Goyal, Advocate for
Mr. Sankalp Gehlawat, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.126 dated 21.06.2021, under Sections 323, 34, 354-A, 376, 377, 406, 498-A, 506, 511 IPC, 1860, registered at Women Police Station, Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise between the parties.

2. On 22.03.2024, following order was passed by this Court:-

“xxx xxx xxx xxx

Learned counsel for the petitioners inter alia contends that the FIR was registered due to misunderstanding and misconception between the parties and now the matter has been resolved between them. He further contends that the parties have effected a compromise, as such respondent No.2 does not want to take any action in the present FIR.

Notice of motion.

On the asking of the Court, Mr. Amrik Singh Narwal, DAG, Haryana accepts notice on behalf of respondent No. 1-State.



Learned State counsel has confirmed that offence under Sections 376, 377, 354-A, 511 IPC were deleted during the investigation. After completion of the investigation, challan has been presented and charges have also been framed under Sections 323, 34, 406, 498-A, 506 IPC. He has informed that the petitioners are not involved in any other case.

Mr. Sankalp Gehlawat, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney, which is taken on record. He confirms about factum of compromise between the parties.

The State to file objections, if any; and also to verify as to whether all the accused in the present FIR/case have been arrayed as a party in the present petition and as to whether any of the accused has been declared as proclaimed offender. State may file reply/status report.

Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 04.07.2024.

The parties are directed to appear before the trial Court/Illaq Magistrate up-to 15.05.2024 for recording of their statements. 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 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. In compliance of the aforesaid order, report dated 24.05.2024 has been received from the Judicial Magistrate Ist Class, Faridabad, through District and Sessions Judge, Faridabad, the relevant portion of which, reads as under:-



“xxx xxx xxx xxx

I) *The compromise between the complainant and accused is genuine and voluntary as it is not the result of any undue influence or pressure in any manner and is out of their free will. The complainant and the accused have maintained uniformity in regard to the validity of compromise.*

II) *There is only one complainant/victim and two accused persons in the present case, as per the statement of the Investigating Officer.*

III) *During the investigation, no additional accused was added.*

IV) *None of accused has been declared proclaimed person, as per the statement of I.O.*

V) *During the investigation, offences under Sections 376, 511, 377, 354A IPC were deleted by the I.O.*

VI) *During the investigation, Priyanka Dua, Seema Sachdeva, Parul @ Ginni, Bhawani Shankar, Mayank Dua were found innocent and kept in column No.12 of the challan (hence, not charge-sheeted)*

xxx xxx xxx xxx”

4. Learned counsel for the petitioners has submitted a copy of decree of divorce dated 23.01.2024, passed by the Family Court, Faridabad, in the Court today, which is taken on record.

5. The learned State counsel as well as learned counsel for respondent No.2 have not raised any objection regarding the acceptance of the present petition.

6. 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.126 dated 21.06.2021, under Sections 323, 34, 354-A, 376,

377, 406, 498-A, 506, 511 IPC, 1860, registered at Women Police Station,



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

7. However, the respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of the compromise are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

11th July 2024
simran

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