

CRM-M-15489-2024
Date of decision: 02.05.2024

...PETITIONER

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raman Kaswan, Advocate for
Mr. Amit Khatkar, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Vinod Kumar Polist, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0102 dated 19.08.2020 under Sections 323/34/376(2)(n)/451/506 of IPC and Section 67 of Information Technology Act, 2008, Section 6 of Protection of Children from Sexual Offence Act, 2012 registered at Police Station Women Police Station, District Sirsa (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise.

2. The following order was passed on 01.04.2024 :-

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0102 dated 19.08.2020 under Sections 323/34/376(2)(n)/451/506 of IPC and Section 67 of Information Technology Act, 2008, Section 6 of Protection of Children from Sexual Offence Act, 2012 registered at Police Station Women Police Station, District Sirsa (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner inter alia contends that no offence as alleged in the FIR is made out against the petitioner. The complainant is the wife of the petitioner and all the allegations are against one, Bhupinder. Now the petitioner and his wife has settled the dispute amicably and both of them have approached the learned Family Court, Sirsa by filing petition under Section 13-B of the Hindu Marriage Act which has been allowed vide order dated 04.03.2024 passed by the learned Principal Judge, Family Court, Sirsa. He further submits that in view of the law laid down by Hon'ble Supreme Court in 'Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another' 2012(4) RCR (Crl.) 589 and this Court in 'Parambir Singh Gill Vs. Malkiat Kaur' 2010(1) RCR (Crl.) 256, partial compromise is permissible.

Notice of motion for 02.05.2024.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to her during the course of day. Learned counsel for the petitioner undertakes to secure the presence of respondent No.2 before the learned trial Court at the time of recording the statement.

Service is complete.

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. 02.05.2024.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance."

3. In compliance of the above 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. Mr. Vinod Kumar Polist, Advocate has put in appearance on behalf of respondent No.2 and filed his *vakalatnama* which is taken on record. Registry is directed to tag the same at the appropriate place.
5. Learned counsel for the petitioners submits that in view of the law laid down by Hon'ble Supreme Court in *Jayaraj Digvijaysinh Rana Vs. State of Gujrat and another 2012(4) RCR (Crl.) 589* and this Court in *Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256*, partial compromise is permissible.
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 and 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.0102 dated 19.08.2020 under Sections 323/34/376(2)(n)/451/506 of IPC and Section 67 of Information Technology Act, 2008, Section 6 of Protection of Children from Sexual Offence Act, 2012 registered at Police Station Women Police Station, District Sirsa (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

May 02, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |