



Date of decision: 10.05.2024

...PETITIONER

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Present: Ms. Arshdeep Kaur, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Vikas Kumar Dhariwal, Advocate
for respondent No. 2.

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. 0005 dated 02.01.2024 registered under Section 376 of Indian Penal Code at Police Station Zirakpur District SAS Nagar and all subsequent proceedings arising therefrom on the basis of compromise dated 10.03.2024. (Annexure P-2).

2. The following order was passed on 09.04.2024:

“CRM-13980-2024

Prayer in the present application filed under Rule 3-A (1) of Chapter 6 Part B Volume V of the High Court Rules and Orders is for grant of leave to file the present case without Number of Roll of Advocates.

In view of the averments made in the application, same is allowed and leave sought is granted.

CRM-M-15826-2024

This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0005 dated 02.01.2024 under Section 376 of IPC, registered at Police Station Zirakpur, District SAS Nagar (Mohali) (Annexure P-1) along with all subsequent



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proceedings arising therefrom on the basis of compromise (Annexure P-2).

Learned counsel for the petitioner, inter alia, contends that the petitioner as well as respondent No.2 are foreign nationals and are major and they have come to India to acquire education and both are students of SVIET College. It is further contended that on the new year eve, they celebrated the new year together and after consuming excess liquor, respondent No.2 visited the doctor and in that process, FIR (supra) was registered on the basis of some misconception and now with the intervention of common friends, they have effected the compromise, as respondent No.2 wishes to focus on her studies.

Notice of motion for 10.05.2024.

At this stage, on asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Vikas Kumar Dhariwal, Advocate accepts notice for respondent No.2 and files his Vakalatnama, which is taken on record. Copy of the paper book be supplied to them during the course of day.

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. 10.05.2024.

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

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 State counsel, on instructions from SI Naib Singh submits that he has received a message from the complainant that she wants the petitioner to remain in custody till he is deported.

5. Learned counsel for the petitioner submits that respondent No. 2-complainant herself appeared before the learned Judicial Magistrate Ist Class, Dera Bassi on 19.04.2024 and made a statement that she has voluntarily entered into the compromise dated 10.03.2024 with the petitioner, out of her free will and without any pressure or undue influence, coercion, inducement, threat or promise from any sphere and learned counsel for respondent No. 2 submits that he has no such instructions and parties have compromised the matter and duly recorded their statements before the jurisdictional Magistrate.

6. Learned counsel for the petitioner relies upon the judgment of ***Nishan Singh Vs. State of Punjab and Another 2018(4) Law Herald 3393, Sandip Somany vs. State of Haryana and Another 2016(2) Law Herald 1305 and Ram Lal and ors. vs. State of Haryana and Another 2008(2) R.C.R. (Criminal) 823***, to contend that once a compromise is arrived at between the parties and all the conditions laid down therein have been substantially complied with by one of the parties, the other party cannot be allowed to resile from the same and further submits that perusal of the report received from jurisdictional Magistrate indicates that petitioner and respondent No. 2 both are major and are foreign nationals and they have come to India for the purpose of study and the incident had taken place on the New Year Eve, after the petitioner and respondent No. 2 indulged in heavy drinking and complainant has compromised the matter on 10.03.2024, which was reduced into a



compromise deed, which is available on record as Annexure P-2. A perusal of the same would show that respondent No. 2 has signed the compromise deed and the same was attested by the Notary Public.

7. In view of the discussion made hereinabove, compromise and no objection of the counsel for respondent No. 2 to quashing of the FIR(supra) and also in view of 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. 0005 dated 02.01.2024 registered under Section 376 of Indian Penal Code at Police Station Zirakpur District SAS Nagar (Mohali) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

May 10, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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