

VASU ALIAS VISHAL

V/S

STATE OF HARYANA AND ANOTHER

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Shivani Jaglan, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Harmilonjot, 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.942 dated 05.11.2022 under Sections 323/365/376/506 of IPC and Section 4 of POCSO Act (Sections 363/366 of IPC added later on) registered at Police Station Samalkha District Panipat (Annexure P-1), final report along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit (Annexure P-4).

2. The following order was passed on 03.04.2024 :-

“xxx...

This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.942 dated 05.11.2022 under Sections 323/365/376/506 of IPC and Section 4 of POCSO Act (Sections 363/366 of IPC added later on) registered at Police Station Samalkha District Panipat (Annexure P-1), final report along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit (Annexure P-4).

Learned counsel for the petitioner inter alia contends that respondent No.2 is legally wedded wife of the petitioner and marriage certificate dated 11.10.2023 is available on record as

Annexure P-2. He further submits that both the petitioner and respondent No.2 are cohabiting together as husband and wife, respectively, peacefully and for seeking quashing of FIR (supra) on the basis of compromise, reliance has been placed upon the judgment of the Hon'ble Supreme Court passed in 'K. Dhandapani Vs. The State by The Inspector of Police' 2022 SCC Online SC 1056 and full Bench judgment of the Delhi High Court passed in 'Lajja Devi Vs. State' 2012 (4) CCR 72.

Notice of motion for 06.05.2024.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Nagesh Paul, Advocate accepts notice for respondent No.2 and files his vakalatnama and admits to the factum of compromise. 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. 06.05.2024.

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. 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.942 dated 05.11.2022 under Sections 323/365/376/506 of IPC and Section 4 of POCSO Act (Sections 363/366 of IPC added later on) registered at Police Station Samalkha District Panipat (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

May 06, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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