



Sr. No.274

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-16083-2024
Date of decision: 12th September 2024

GAURAV ALIAS KAMALPetitioner

versus

STATE OF HARYANA AND ANRRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Manoj Pundir, Advocate
for the petitioner.

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

Mr. Jogendra Pundir, Advocate and
Mr. Malkit Singh, 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.109 dated 24.08.2023, under Sections 323, 498-A, 506 IPC, 1860 and Section 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Sections 313, 376(2)(N) IPC deleted later on), registered at Police Station Women, Karnal (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 20.03.2024 (Annexure P-2), executed between the parties.

2. This Court, vide order dated 03.04.2024, had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, the parties have appeared before the Additional District and Sessions Judge, Karnal and got their statements recorded.



On the basis of the statements so recorded, the learned Magistrate has submitted report dated 19.04.2024 with the following observations:-

“xxx xxx xxx xxx

1. *In the present case, as per the statements of victim/complainant and accused a genuine compromise has been arrived between the parties.*
2. *As per the statement of Investigating Officer, all the victim and accused are party to the compromise.*
3. *As per the statement of Investigating Officer, no additional accused has been added in the present case.*
4. *As per the statement of Investigating Officer, accused has not been declared as proclaimed officer.*
5. *As per statements of Investigating Officer, after the registration of the FIR, in the present case, Sections 498-A of IPC and Section 3(2) (va) of SC, ST Act were added and Sections 313 and 376(2)(n) of IPC were deleted.*
6. *As per the statement of Investigating Officer, no investigation of any accused is pending in the present case.*

xxx xxx xxx xxx”

4. Though reply dated 22.07.2024, has been filed by the learned State counsel, by way of an affidavit of Ms. Meena Kumar, HPS, Deputy Superintendent of Police, Women Safety, Karnal, however, learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties.

5. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

6. Following the principles laid down by the Full Bench judgment of this Court in “Kulwinder Singh and others Versus State of Punjab and another 2007” (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “Gian Singh Versus State of Punjab and others” (2012) 10 SCC 303, the present petition



1860 and Section 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Sections 313, 376(2)(N) IPC deleted later on), registered at Police Station Women, Karnal (Annexure P-1) and all subsequent proceedings arising therefrom are ordered to be quashed qua the petitioner.

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 compromise deed dated 20.03.2024 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

12th September 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No