



238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16791-2024 (O&M)
Date of decision: 07.05.2024

SHAKTIJEET @ ASHISH

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ravinder Phogat, Advocate and
Mr. Deepak Mishra, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Bhupinder Ghangas, Advocate
for respondents No. 2 to 4.

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. 70 dated 29.08.2022 registered under Sections 342, 363, 366-A, 376, 506 and 34 of Indian Penal Code and Section 04 of Protection of Children from Sexual Offences Act at Women Police Station Charkhi Dadri, District Charkhi Dadri and all subsequent proceedings arising therefrom on the basis of compromise dated 16.03.2024 (Annexure P-4).

2. The following order was passed on 05.04.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.70 dated 29.08.2022 under Sections 342, 363, 366-A, 376, 506, 34 of IPC and Section 4 of POCSO Act, registered at Women Police Station Charkhi Dadri, District Charkhi Dadri (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Learned counsel for the petitioner, inter alia, contends that the petitioner and respondent No.2 had eloped out of love affair due to opposition from their respective family members. Respondent



*No.2 has attained the majority and the petitioner and respondent No.2 are cohabiting together as husband and wife. The relationship between the petitioner and respondent No.2 was consensual and devoid of any mens rea. The proximity of the age between the petitioner and respondent No.2 must be given due consideration and a compassionate view be taken considering their young age and nature of circumstances. Reliance in this regard has been placed upon 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 **Court on its own motion (Lajja Devi) Vs. State, 2012 (4) CCR 72** as well as judgment of this Court in **Narinder Kaur @ Ninder Kaur and others Vs. State of Punjab and others**, passed in **CRM-M 41204-2020**.*

Notice of motion for 07.05.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Bhupinder Ghangas, Advocate accepts notice for respondents No.2 to 4 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/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa 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. 07.05.2024.

A copy of the order be sent to learned trial Court/Illaqa 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. 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. 70 dated 29.08.2022 registered under Sections 342, 363, 366-A, 376, 506 and 34 of Indian Penal Code and Section 04 of Protection of Children from Sexual Offences Act at Women Police Station Charkhi Dadri, District Charkhi Dadri and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

May 07, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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