



230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17815-2024
Date of decision: 14.05.2024

LAVKESH KUMAR YADAV

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bhanu Udai, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Vikas Gulia, Advocate for
respondent Nos.2 and 3.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.237 dated 21.09.2021 under Section 6 of POCSO Act and Sections 363 & 366 of IPC, registered at Police Station DLF, Phase-III, Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 16.03.2024 (Annexure P-2).

2. The following order was passed on 10.04.2024 :-

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.237 dated 21.09.2021 under Section 6 of POCSO Act and Sections 363 & 366 of IPC, registered at Police Station DLF, Phase-III, Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 16.03.2024 (Annexure P-2).

Learned counsel for the petitioner, inter alia, contends that FIR (supra) was registered due to some misunderstanding. In fact, respondent No.3 was 18 years of age and was having consensual relationship with the petitioner. She eloped with the petitioner, as



respondent No.2 was initially opposed to their love marriage. The petitioner and respondent No.3 got married and they are cohabiting together as husband and wife and out of this wedlock, one boy took birth on 18.07.2022. On 27.07.2022, respondents No.2 & 3 appeared in the witness box as PW2 and PW1 respectively and they have not supported the allegations made in the FIR (supra).

Learned counsel for the petitioner further contends that the proximity of the age between the petitioner and respondent No.3 must be given due consideration and a compassionate view be taken considering their young age and nature of circumstances. Reliance in this regard can be placed upon the following:

Sr. No.	Case Title	Court
1.	K. Dhandapani Vs. The State 2022(2) R.C.R.(Criminal) 987	Hon’ble Supreme Court
2.	Ananda D.V. Vs. State and others 2021(OLR) 1074	
3.	Kapil Gupta Vs. State of NCT of Delhi and others 2022(4) R.C.R.(Criminal) 497	
4.	Jatin Aggarwal Vs. State of Telangana and others 2022(2)R.C.R(Criminal) 603	
5.	Ranjeet Kumar Vs. State of H.P. and others MANU/HP/2314/2013	Himachal Pradesh High Court (DB)
6.	Narinder Kaur @ Ninder Kaur and others Vs. State of Punjab and others CRM-M-41204-2020	Punjab and Haryana High Court
7.	Ashik Ramjan Ansari Vs. The State of Maharashtra and others 2023 CriLJ 3633	Bombay High Court
8.	Sabari Vs. Indpector of Police, Belukurichi Police Station and others 2019(3) R.C.R(Criminal) 452	Madras High Court
9.	Jitender Kumar Sharma Vs. State and others 2010(4) R.C.R.(Criminal) 20	Delhi High Court (DB)
10.	Skhemborlang Suting and others Vs. State of Meghalaya and others MANU/MG/0054/2022	Meghalaya High Court
11.	Tarun Vaishnav Vs. State of Rajasthan and others MANU/RH/16181/2022	Rajasthan High Court
12.	Kundan and another Vs. State and others	Delhi High Court

	CrI.M.C. 27/2022	
13.	Devendranath Vs. State of U.T. Chandigarh and Others CRM-M-23281-2023	Punjab and Haryana High Court

*Learned counsel for the petitioner further relies upon a Full Bench of Delhi High Court in **Court on its Own Motion(Lajja Devi) Vs. State, 2012(4) CCR 72**, wherein it is held that if the girl is more than 16 years of age and makes a statement to the effect that she left of her own volition and records a statement indicating that the consent was without any force, coercion or undue influence, the Court will be within its power to accept the statement and quash proceedings under Sections 363 or 376 of IPC. It has been further held that the FIR can be quashed if after attaining the age of majority, she affirms and reiterates her consent.*

Notice of motion for 14.05.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Vikas Gulia, Advocate accepts notice for respondents No.2 & 3 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. 14.05.2024.

A copy of the order be sent to learned trial Court/Illaqa 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.237 dated 21.09.2021 under Section 6 of POCSO Act and Sections 363 & 366 of IPC, registered at Police Station DLF, Phase-III, Gurugram (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

May 14, 2024
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(HARPREET SINGH BRAR)
JUDGE

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