



218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21337-2024 (O&M)
Date of decision: 30.05.2024

MAJRUL ISLAM

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Sharma, Advocate for
Mr. Dharambir Sihag, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Dhruv Sihag, 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.183 dated 26.08.2023 under Sections 376 & 506 of IPC, registered at Police Station Sushant Lok, Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of affidavits dated 21.03.2024 (Annexures P-2 & P-3).

2. The following order was passed on 30.04.2024:

"This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.183 dated 26.08.2023 under Sections 376 & 506 of IPC, registered at Police Station Sushant Lok, Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of affidavits dated 21.03.2024 (Annexures P-2 & P-3).

Learned counsel for the petitioner, inter alia, contends that FIR (supra) was registered on the allegations that on 26.08.2023, complainantrespondent No.2 was alone in her room and the petitioner committed rape on her. Now with the intervention of close friends, respectables of the society and the relatives, a



compromise has been effected between the parties and they have settled their dispute amicably. Learned counsel for the petitioner relies upon a judgment of the Hon'ble Supreme Court in Kapil Gupta Vs. State of N.C.T. of Delhi and another, 2022 (4) RCR (Crl.) 497, to contend that FIR under Section 376 of IPC can be quashed on the basis of compromise. Learned counsel has further relied upon a judgment of this Court in Karan Sharma Vs. State of Haryana and another, 2021(1) Law Herald 149 and contends that once the parties have compromised the matter and decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

Notice of motion for 30.05.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Sukhpal Singh, 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.

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. 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.183 dated 26.08.2023 under Sections 376 & 506 of IPC, registered at Police Station Sushant Lok, Gurugram and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

May 30, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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