



226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19994-2024 (O&M)
Date of decision: 23.05.2024

DHAN SINGH

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Mohit, Advocate
for respondents No.2 and 3.

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.67 dated 12.03.2024 under Sections 323/354/354-B/376/511/506 of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Dadri Sadar District Charkhi Dadri (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 12.04.2024 (Annexure P-5).

2. The following order was passed on 23.04.2024:

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.67 dated 12.03.2024 under Sections 323/354/354 B/376/511/506 of IPC and Section 8 of POCSO Act, 2012 registered at Police Station Dadri Sadar District Charkhi Dadri (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 12.04.2024 (Annexure P-5).

Learned counsel for the petitioner inter alia contends that the petitioner as well as the private respondents are family members and a scuffle had taken place between them on 12.03.2024



in which the petitioner's side received injuries and the dispute escalated to the extent that the petitioner has been involved in the FIR (supra). However, the dispute is purely private in nature and even the perusal of the record clearly indicates that the factual ingredients constituting the offences as alleged in the FIR are clearly missing and once prima facie offences are not made out, the FIR (supra) can be quashed on the basis of compromise to restore peace and harmony amongst the family members.

Notice of motion for 23.05.2024.

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. Mohit, Advocate accepts notice for respondents No.2 & 3 and files his power of attorney 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. 23.05.2024.

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 (CrI.) 1052, this petition is allowed and FIR No.67 dated 12.03.2024 under Sections 323/354/354 B/376/511/506 of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Dadri Sadar District Charkhi Dadri and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

May 23, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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