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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20134-2024 (O&M)
Date of decision: 02.07.2024

Ramesh

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. Karan Singh, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Ram Pal Kaushik, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.16 dated 05.04.2024 under Sections 376(2)(n) & 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC&ST Act'), registered at Women Police Station Manesar, District Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise

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dated 17.04.2024 (Annexure P-3).

2. The following order was passed on 08.05.2024 : -

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.16 dated 05.04.2024 under Sections 376(2)(n) & 506 of the Indian Penal Code, 1860 (for short ‘IPC’) and Section 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short ‘SC&ST Act’), registered at Women Police Station Manesar, District Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 17.04.2024 (Annexure P-3).

*Learned counsel for the petitioner, inter alia, contends that the petitioner and respondent No.2 were having a love affair and both of them are major and they consciously carried on with their consensual relationship, which was opposed by family members of respondent No.2 and under their pressure, FIR (supra) was registered against the petitioner. Now respondent No.2 has effected a compromise with the petitioner and both of them have settled their dispute amicably and even the petitioner and respondent No.2 performed marriage to each other and are living as husband and wife. 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*

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matter and decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

*Learned counsel for the petitioner has further contended that the FIR registered under the provisions of SC&ST Act can be quashed on the basis of compromise. Reliance in this regard is placed upon the judgments of the Hon'ble Supreme Court in **Ramawatar Vs. State of Madhya Pradesh, Law Finder Doc Id#1900370** and of this Court in **Nardev Singh Mann @ Bobby Mann Vs. State of Punjab and another, Law Finder Doc Id#2239499** and **Chander Mohan @ Bunti Vs. State of Haryana and others, Law Finder Doc Id#248221**.*

Notice of motion for 02.07.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to her during the course of day.

Learned counsel for the petitioner undertakes to secure presence of respondent No.2 at the time of recording the statement.

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.

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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.16 dated 05.04.2024 under Sections 376(2)(n) & 506 of IPC and Section 3(2)(va) of SC&ST Act, registered at Women Police Station Manesar, District Gurugram and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

[HARPREET SINGH BRAR]
JUDGE

02.07.2024
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No