



114 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-21570-2024 in/and
CRM-M-22139-2024 (O & M)
Date of decision: 21.05.2024

IRSHAD

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pankaj Nanhera, Advocate and
 Mr. Pradeep Duhan, Advocate
 for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana &
Ms. Geeta Sharma, DAG, Haryana.

Mr. Rahul Gautam, Advocate and
Mr. Navneet Sharma, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

CRM-21570-2024

This is an application filed under Section 382 Cr.P.C. seeking placing on record the certified copies of statements of prosecutrix, father of prosecutrix, applicant-petitioner dated 14.05.2024 and copy of affidavit dated 10.05.2024 as Annexures P-12 to P-15 respectively.

For the reasons mentioned in the application, the same is allowed.

Documents are taken on record as Annexures P-12 to P-15 respectively, subject to all just exceptions.

CRM-21571-2024

This is an application filed under Section 482 Cr.P.C. seeking pre-ponement of the main case.



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Learned counsel for the applicant-petitioner *inter alia* contends that statement of both the parties have been recorded by the concerned Additional Sessions Judge and petitioner No.1 and the prosecutrix have performed marriage with each other. Learned counsel further submits that the applicant-petitioner is in custody since 23.02.2022 and is no more required for any purpose. As such, prayer for pre-ponement of the main case is made.

Notice in the application.

Mr. Vikas Bhardwaj, AAG, Haryana, who is present in the Court, accepts notice on behalf of respondent No.1-State and submits that facts are apparent on record. Mr. Rahul Gautam, Advocate accepts notice on behalf of respondent No.2 and submits that he has no objection, if the present application is allowed.

In view of the above, the present application is allowed and the main case is ordered to be preponed and taken on board today itself.

MAIN CASE

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.109 dated 07.06.2021 under Sections 452/323/506 of IPC and Section 6 of POCSO Act, 2012 registered at Police Station Nagina, District Nuh, Haryana (Annexure P-3) and order dated 30.03.2022 (Annexure P-11) vide which charges were framed under Sections 323/450/506 of IPC and Section 4 of POCSO Act in the alternative Section 376 of IPC along with all consequential proceedings arising out of the same qua the petitioner.

2. The following order was passed on 03.05.2024 :-

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.109 dated 07.06.2021 under Sections 452/323/506 of IPC and Section 6 of POCSO Act, 2012 registered



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at Police Station Nagina, District Nuh, Haryana (Annexure P-3) and order dated 30.03.2022 (Annexure P-11) vide which charges were framed under Sections 323/450/506 of IPC and Section 4 of POCSO Act in the alternative Section 376 of IPC along with all consequential proceedings arising out of the same qua the petitioner.

Learned counsel for the petitioner inter alia contends that petitioner and respondent No.2 were in a consensual relationship which was not approved by the family of respondent No.2. Both of them then eloped and performed marriage with each other and the FIR (supra) was registered against the petitioner due to the opposition of the family of respondent No.2. The petitioner and respondent No.2 are cohabiting together as husband and wife and their families now have engaged with each other and compromised the matter and for seeking quashing of FIR (supra) on the basis of compromise, reliance has been placed upon the 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 'Lajja Devi Vs. State' 2012 (4) CCR 72.

Notice of motion for 04.07.2024.

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. Rahul Gautam Advocate accepts notice for respondent No.2 and files his vakalatnama 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. 04.07.2024.



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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 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.109 dated 07.06.2021 under Sections 452/323/506 of IPC and Section 6 of POCSO Act, 2012 registered at Police Station Nagina, District Nuh, Haryana (Annexure P-3) and order dated 30.03.2022 (Annexure P-11) vide which charges were framed under Sections 323/450/506 of IPC and Section 4 of POCSO Act in the alternative Section 376 of IPC and all consequential proceedings arising out of the same are quashed, qua the petitioner.

May 21, 2024
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(HARPREET SINGH BRAR)
JUDGE

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