



229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23752-2024 (O&M)

Date of decision: 01.07.2024

SAJJAN SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Rishabh Singla, AAG Punjab.

Mr. Rajesh Batheja, 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. 260 dated 28.05.2021 under Sections 376, 328, 506 of Indian Penal Code, registered at Police Station City Barnala, District Barnala (Annexure P-1), the report under Section 173 Cr.P.C. dated 30.11.2021 (Annexure P-2) along with all subsequent proceedings arising therefrom on the basis of compromise dated 03.05.2024 (Annexure P-3).

2. The following order was passed on 13.05.2024:

"This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.260 dated 28.05.2021 under Sections 376, 328, 506 of IPC, registered at Police Station City Barnala, District Barnala (Annexure P-1), the report under Section 173 Cr.P.C. dated 30.11.2021 (Annexure P-2) along with all subsequent proceedings arising therefrom on the basis of compromise dated 03.05.2024 (Annexure P-3).

Learned counsel for the petitioner, inter alia, contends that FIR (supra) was registered against the petitioner on the allegation of forcible rape committed by him. Now respondent No.2



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*has effected a compromise with the petitioner and both of them 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 01.07.2024.

At this stage, on asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Rajesh Bhateja, 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 (CrI.) 1052, this petition is allowed and FIR No. 260 dated 28.05.2021 under Sections 376, 328, 506 of Indian Penal Code, registered at Police Station City Barnala, District Barnala (Annexure P-1), the report under Section 173 Cr.P.C. dated 30.11.2021 (Annexure P-2) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

July 01, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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