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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26235-2024 (O&M)
Date of decision: 31.07.2024

Ashish Sharma

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Ms. Bhawna Chaudhary, Advocate for
Mr. Varun Katyal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Kanhyia Goyal, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.29 dated 15.03.2022 under Sections 376(2)(n), 506 of Indian Penal Code, 1860 (for short 'IPC') and Section 342 of IPC (added later on), registered at Women Police Station Faridabad and all subsequent proceedings arising therefrom in view of the compromise dated 30.05.2022 (Annexure P-3).

2. The following order was passed on 23.05.2024: -



“This petition has been filed for quashing of FIR No.29, dated 15.03.2022 registered under Sections 376(2) (n) and 506 of IPC at Women Police Station, Faridabad along with all consequential proceedings arising therefrom, on the basis of compromise dated 30.05.2022 (Annexure P-3) arrived at between the parties.

Counsel for the petitioner has mentioned in memo of parties of the petition that the petitioner has not been declared as proclaimed person.

Notice of motion.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana accepts notice on behalf of respondent No.1-State and Mr. Kanhyia Goyal, Advocate accepts notice on behalf of respondent No.2 and has filed his Power of Attorney. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 03.07.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed person(s), in the case;



2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;

3. the stage of trial/proceedings pending;

4. if the compromise is genuine, voluntary and out of free will of the parties.

5. Whether any other criminal case pending against the accused.

Report of Illaqa/Duty Magistrate be awaited for 31.07.2024.”

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. 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. The FIR (*supra*) was registered against the petitioner on the allegations that on the pretext of marriage, he committed rape upon her, when he was earlier married. Thereafter, the petitioner had taken divorce from his earlier wife and performed marriage with respondent No.2. Now the petitioner and respondent No.2 are living as husband and wife. A compromise has been effected between them 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.

5. 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.29 dated 15.03.2022 under Sections 376(2)(n), 506 of IPC and Section 342 of IPC (added later on), registered at Women Police Station Faridabad and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

[HARPREET SINGH BRAR]
JUDGE

31.07.2024
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No