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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-31462-2024 (O&M)
Date of Decision: 09.09.2024

ANKUSH ALIAS MOTA

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Sharma, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Ms. Kudrat Sareen, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 233 dated 14.07.2022 under Sections 363, 366 of IPC (challan filed under Sections 363, 366, 376(2)(h), 376(2)(n), 506 of IPC and Section 6 of POCSO Act), registered at Police Station Sector 13-17, District Panipat (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 15.03.2024 (Annexure P-2).

2. The following order was passed on 05.07.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.233 dated 14.07.2022 under Sections 363, 366 of IPC (challan filed under Sections 363, 366, 376(2)(h), 376(2)(n), 506 of IPC and Section 6 of POCSO Act), registered at Police Station Sector 13-17, District Panipat (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 15.03.2024 (Annexure P-2).

Learned counsel for the petitioner, inter alia, contends that when the FIR (supra) was registered, respondent No.2 was minor and now she has attained the majority and effected the compromise with the petitioner. He relies upon deposition of respondent No.3 (Annexure P-4), in which she admitted that she has married with the petitioner and blessed with a son. Learned counsel for the petitioner,



*in supprt of his arguments, relies upon 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 **Court on its own motion (Lajja Devi) Vs. State' 2012 (4) CCR 72**, to contend that FIR can be quashed on the basis of compromise, when the victim has attained the majority and consented to get the FIR (supra) quashed.*

Notice of motion for 07.08.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Ms. Kudrat Sareen, Advocate accepts notice for respondent No.2 and files her 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. Vide order dated 07.08.2024, private parties were again directed to appear before the jurisdictional Magistrate and get their statements recorded in support of the compromise.

4. In compliance of the aforesaid orders, 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.

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



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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. 233 dated 14.07.2022 under Sections 363, 366 of IPC (challan filed under Sections 363, 366, 376(2)(h), 376(2)(n), 506 of IPC and Section 6 of POCSO Act), registered at Police Station Sector 13-17, District Panipat (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

09.09.2024

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No