

CRM-M-32357-2023
Date of decision: 23.08.2024

...PETITIONERS

...RESPONDENTS

It is inter alia submitted by learned counsel for the petitioners that in the present matter, petitioner No.1, who is aged about 20 years, is the alleged victim and petitioner No.2 is the complainant. It is submitted that FIR was filed on the basis of



statement of complainant/petitioner No.2 herein, perusal of which reveals that age of the alleged victim/petitioner No.1 is shown to be 18 years at the time of occurrence. It is stated in the FIR that on 06.09.2018 at around 12 PM, petitioner No.1 had gone from the house without telling anyone. The complainant has further stated that he has no doubt that his daughter Neelam has been taken by some boy and therefore sought investigation by the concerned authorities.

However, complainant/petitioner No.2 subsequently found that petitioner No.1 solemnized marriage with respondent No.2 of her own wish and without any pressure from anyone. Even two children have been born out of the wedlock of petitioner No.1 and respondent No.2, on 28.11.2019 and 23.6.2021. Admittedly, petitioner No.1 and respondent No.2 are living together as husband and wife. It is further submitted by learned counsel for the petitioners that both the complainant as well as the victim/petitioners No.2 and 1 herein respectively have given their affidavits (Annexures P-4 and P-5) that they do not want any action to be taken against respondent No.2.

Notice of motion for 25.9.2023.

At the asking of the Court, Mr. Arjun Lakhanpal, Addl. A.G, Haryana accepts notice on behalf of the respondent No.1-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

At this stage, Mr. Neeraj Goel, Advocate causes representation on behalf of respondent No.2 and files his Power of Attorney, which is taken on record. Learned counsel for respondent No.2 admits the factum of compromise.

Learned counsel for the State and respondent No.2 do not dispute the above facts as stated by learned counsel for the petitioners.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 05.8.2023 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information :-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*



- 3. *Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. *Whether the accused persons are involved in any other case or not.*
- 5. *The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

3. Learned counsel for the petitioners *inter alia* contends that respondent No.2 and the prosecutrix (petitioner No.1 herein) were having love affair with each other and their relationship was opposed by petitioner No.2. Petitioner No.1 and respondent No.2 eloped and performed marriage with each other and out of this wedlock, they are blessed with two children and both of them are cohabiting together. The petitioner No.2 has got the FIR (supra) registered as he did not approve their relationship. Now, the matter has been amicably resolved between the parties and a compromise has been effected. Reliance in this regard can be placed upon the following:-

Sr. No.	Case Title	Court
1.	K. Dhandapani v. The State 2022(2) R.C.R.(Criminal) 987	Hon’ble Supreme Court
2.	Ananda D.V. V. State and others 2021(OLR) 1074	
3.	Kapil Gupta v. State of NCT of Delhi and others 2022(4) R.C.R.(Criminal) 497	



4.	Jatin Aggarwal v. State of Telangana and others 2022(2)R.C.R(Criminal) 603	
5.	Ranjeet Kumar v. State of H.P. and others MANU/HP/2314/2013	Himachal Pradesh High Court (DB)
6.	Narinder Kaur @ Ninder Kaur and others v. State of Punjab and others CRM-M-41204-2020	Punjab and Haryana High Court
7.	Ashik Ramjan Ansari v. The State of Maharashtra and others 2023 CriLJ 3633	Bombay High Court
8.	Sabari v. Indpector of Police, Belukurichi Police Station and others 2019(3) R.C.R(Criminal) 452	Madras High Court
9.	Jitender Kumar Sharma v. State and others 2010(4) R.C.R.(Criminal) 20	Delhi High Court (DB)
10	Skhemborlang Suting and others v. State of Meghalaya and others MANU/MG/0054/2022	Meghalaya High Court
11	Tarun Vaishnav v. State of	Rajasthan High



	Rajasthan and others	Court
	MANU/RH/16181/2022	
12.	Kundan and another v. State and others	Delhi High Court
	CrI.M.C. 27/2022	
13.	Devendranath v. State of U.T. Chandigarh and Others	Punjab and Haryana High Court
	CRM-M-23281-2023	

Moreover, a Full Bench of Delhi High Court in ‘**Court on its Own Motion (Lajja Devi) Vs. State**’ 2012 (4) CCR 72, has categorically held that in case, the prosecutrix/victim is more than 16 years of age and makes a statement to the effect that she left of her own volition and records a statement indicating that the consent was without any force, coercion or undue influence, the Court will be within its power to accept the statement and quash proceedings under Sections 363 or 376 of IPC. It has been further held that the FIR (supra) can be quashed if after attaining the age of majority, she affirms and reiterates her consent.

4. In view of the above and 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.

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.0526 dated 07.09.2018, under Sections 363 and 366 IPC (Section 216 IPC and Section 6 of the Protection of Children From Sexual Offences Act, 2012, added later on), registered at Police Station Sector 5, Gurugram (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua respondent No.2.

August 23, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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