



Sr. No.278(01)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32455-2024
Date of decision: 12th September 2024

PUNEET SHARMA**Petitioner**

versus

STATE OF HARYANA AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vikas Chatrath, Mr. B.P.S. Thakur,
Ms. Priya Kaushik and Ms. Preetleen Kaur, Advocates
for the petitioner.

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

Mr. Dixit Garg, Advocate for
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.425 dated 11.07.2018, under Sections 377, 498-A, 406, 506 IPC, 1860, registered at Police Station Palam Vihar, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 16.09.2023 (Annexure P-4), executed between the parties.
2. This Court, vide order dated 12.07.2024, had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.
3. Pursuant to the aforesaid order, the parties have appeared before the Judicial Magistrate Ist Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, the learned Magistrate has submitted report



“xxx xxx xxx xxx

1. *As per the statements of the parties, the compromise has been voluntarily effected between the parties and they have no objection if the criminal proceedings are quashed on the basis of compromise.*
2. *The complainant, injured/victim and all the accused are party to the compromise.*
3. *During investigation, no additional accused has been added.*
4. *As per the statement of the Investigating Officer, the petitioner/accused has not been declared as a ‘Proclaimed Offender’.*
5. *After the registration of FIR, Section 323 IPC was added. No section was deleted during investigation.*
6. *No investigation is pending against the petitioner/accused nor he has been declared as innocent.*

xxx xxx xxx xxx”

4. Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties.
5. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.
6. Following the principles laid down by the Full Bench judgment of this Court in “**Kulwinder Singh and others Versus State of Punjab and another 2007**” (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “**Gian Singh Versus State of Punjab and others**” (2012) 10 SCC 303, the present petition is allowed and FIR No.425 dated 11.07.2018, under Sections 377, 498-A, 406, 506 IPC, 1860, registered at Police Station Palam Vihar, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom are ordered to be quashed qua the petitioner.
7. However, the respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 16.09.2023 (Annexure P-4) are violated.



8. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12th September 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>