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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-35593-2024 (O&M)
Date of Decision: 29.08.2024

SAGAR

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. V.D. Sharma, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Sanjeev K. Sharma, Advocate
for respondent No. 3.

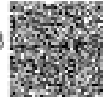
HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No. 560 dated 31.10.2023 under Sections 376/506 of IPC and Section 4 of POCSO Act, registered at Police Station Jind City, District Jind along with all subsequent proceedings arising therefrom as the petitioner and respondent No.3 got married and are residing together.

2. The following order was passed on 29.07.2024:

“This petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No.560 dated 1.10.2023 under Sections 376/506 of IPC and Section 4 of POCSO Act, registered at Police Station Jind City, District Jind along with all subsequent proceedings arising therefrom as the petitioner and respondent No.3 got married and are residing together.

Learned counsel for the petitioner inter alia contends that petitioner and respondent No.3 were having love affair which was opposed by respondent No.2 due to which, the petitioner and respondent No.3 eloped and performed marriage and now they are cohabiting together as husband and wife. He



further submits that even respondent No.2 had appeared before the learned trial Court and he has not supported the case of the prosecution.

Notice of motion for 29.08.2024.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Sanjeev K. Sharma, Advocate accepts notice for respondent No.3 and files his vakalatnama and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

In the meanwhile, the petitioner and respondent No.3 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 i.e. 29.08.2024.

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. Learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court passed in ***K. Dhandapani v. The State 2022(2) R.C.R. (Criminal) 987, Kapil Gupta v. State of NCT of Delhi and others 2022(4) R.C.R.(Criminal) 497*** and submitted that 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 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. 560 dated 31.10.2023 under Sections 376/506 of IPC and Section 4 of POCSO Act, registered at Police Station Jind City, District Jind and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

29.08.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No