



CRM-M-37562-2024 (O&M)

1

227 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-37562-2024 (O&M)

Date of Decision: 06.09.2024

ARSHDEEP SINGH @ ARSH

...PETITIONER

Versus

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Bajwa, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Mr. J.P. Devgan, Advocate for
Mr. Veeraj Sharma, Advocate
for respondent No. 3.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.118 dated 14.10.2023 under Sections 363 & 366-A of IPC, registered at Police Station Sultanwind, District Amritsar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 14.05.2024 (Annexure P-4).

2. The following order was passed on 05.08.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.118 dated 14.10.2023 under Sections 363 & 366-A of IPC, registered at Police Station Sultanwind, District Amritsar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 14.05.2024 (Annexure P-4).

Learned counsel for the petitioner, inter alia, contends that respondent No.3 was having consensual relationship with the petitioner. Respondent No.2 was opposed to their relationship and due to that, FIR (supra) was registered. Now the petitioner and respondent No.3 have performed marriage and they are cohabiting together as husband and wife. Learned counsel for the petitioner further contends that the proximity of the age between the petitioner and respondent



No.3 must be given due consideration and a compassionate view be taken considering their young age and nature of circumstances. Reliance in this regard can be placed upon the following:

- 1. K. Dhandapani Vs. The State 2022(2) R.C.R.(Criminal) 987. (Hon'ble Supreme Court)*
- 2. Ananda D.V. Vs. State and others 2021(OLR) 1074. (Hon'ble Supreme Court)*
- 3. Kapil Gupta Vs. State of NCT of Delhi and others 2022 (4) R.C.R. (Criminal) 497. (Hon'ble Supreme Court)*
- 4. Jatin Aggarwal Vs. State of Telangana and others 2022(2) R.C.R (Criminal) 603. (Hon'ble Supreme Court)*
- 5. Ranjeet Kumar Vs. State of H.P. and others MANU/HP/2314/2013 [Himachal Pradesh High Court (DB)]*
- 6. Narinder Kaur @ Ninder Kaur and others Vs. State of Punjab and others passed in CRM-M-41204-2020. (Punjab and Haryana High Court)*
- 7. Ashik Ramjan Ansari Vs. The State of Maharashtra and others 2023 CriLJ 3633. (Bombay High Court).*
- 8. Sabari Vs. Indpector of Police, Belukurichi Police Station and others 2019(3) R.C.R(Criminal) 452 (Madras High Court).*
- 9. Jitender Kumar Sharma Vs. State and others 2010(4) R.C.R. (Criminal) 20. [Delhi High Court (DB)]*
- 10. Skhemborlang Suting and others Vs. State of Meghalaya and others MANU/MG/0054/2022. (Meghalaya High Court)*
- 11. Tarun Vaishnav Vs. State of Rajasthan and others MANU/RH/16181/2022. (Rajasthan High Court)*
- 12. Kundan and another Vs. State and others, Crl.M.C.27/2022 (Delhi High Court).*
- 13. Devendranath Vs. State of U.T. Chandigarh and Others passed in CRM-M-23281-2023. (Punjab and Haryana High Court)*

Notice of motion for 06.09.2024.

At this stage, on asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. J.S. Mahal, Advocate for Mr. Veeraj Sharma, Advocate accepts notice for respondent No.3 and files Power of Attorney, which is taken on record. Copy of the paper book be supplied to them during the course of day.

Service is complete.



CRM-M-37562-2024 (O&M)

3

In the meanwhile, the petitioner and respondent No.3 are directed to appear before learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa 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/Illaqa 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. 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.118 dated 14.10.2023 under Sections 363 & 366-A of IPC, registered at Police Station Sultanwind, District Amritsar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

06.09.2024
Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>