



the petitioner and respondent No. 3 had performed marriage with each other and have two children out of the wedlock. She had sworn an affidavit on 05.12.2020 (Annexure P-2) to the effect the aforesaid effect and that she would have no objection if the present FIR as well as subsequent proceedings are quashed by this Court. Vide order dated 20.08.2021, even learned counsel for respondent No. 2, who is father of the victim, had stated that he was no more interested in pursuing the FIR in question.

Learned counsel for the petitioner further submits that vide order dated 17.12.2020, this Court, noticing the fact that the petitioner was declared a proclaimed offender in violation of the provisions of Section 82 of Cr.P.C. as he was never served with the summons/warrants issued by the trial Court since he was not residing at that place, had directed the petitioner to surrender before the trial Court on 22.12.2022. In compliance thereof, the petitioner had surrendered before the trial Court and was released on bail, subject to his furnishing personal/surety bonds.

In the backdrop of the aforesaid facts, learned counsel for the petitioner submits that continuation of proceedings under the FIR in question will be a futile exercise and the FIR may be quashed on the basis of the aforesaid fact. He also submits that the parties are ready to appear before the trial Court for recording of their statements in support of the compromise and genuineness of his claims as set up before this Court.

Learned State counsel has not disputed the factual position but submitted that the petitioner was intentionally avoiding the service of warrants and, therefore, he was rightly declared a proclaimed offender.

Learned counsels for respondent Nos. 2 and 3 have admitted to the factum of compromise arrived at between the parties and that the petitioner and the victim have performed marriage with each other and they have two children out of the wedlock and are leading a happy and peaceful life.

In view of the submissions made by learned counsel for the parties and also in view of the fact that the petitioner, on the direction of this Court, had already joined the proceedings before the trial Court, the order dated 03.03.2015, whereby he was declared a proclaimed offender, is hereby set aside along with all the subsequent proceedings having emanated therefrom.



However, in order to assess the validity and genuineness of the compromise having arrived at between the parties as well as other claims as set up by the petitioner, the parties and Investigating Officer are directed to appear before the trial Court/Illaqua Magistrate on 08.07.2024 for getting their statements recorded with regard to the compromise. The trial Court/Illaqua Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed person(s), in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of trial Court/Illaqua Magistrate be awaited for 08.08.2024.”

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.85 dated 29.06.2012, registered under Sections 363, 366, 212 and 120-B of the IPC at Police Station Farrukh Nagar, District Gurugram (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

August 08, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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