



CRM-M-41260-2024 (O&M)

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226 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41260-2024 (O&M)

Date of Decision: 27.09.2024

GOBIND KUMAR

...PETITIONER

Versus

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Deepika, Advocate for
Mr. R.D. Yadav, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Ms. Kamaljeet Kaur, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.254 dated 15.07.2024 under Sections 376(2)(n)/506 of IPC and Section 3(2)(v) of SC/ST Act, 1989 (amended) 2015 and Section 66-E/67-A of IT Act, 2008 registered at Police Station City Rewari, District Rewari (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 23.07.2024 (Annexure P-2).

2. The following order was passed on 27.08.2024:

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.254 dated 15.07.2024 under Sections 376(2)(n)/506 of IPC and Section 3(2)(v) of SC/ST Act, 1989 (amended) 2015 and Section 66-E/67-A of IT Act, 2008 registered at Police Station City Rewari, District Rewari (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 23.07.2024 (Annexure P-2).

Learned counsel for the petitioner submits that petitioner and respondent No.2 are cohabiting together as husband and wife and



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the FIR (supra) has been registered due to some misconception and he has placed reliance upon the marriage certificate dated 29.07.2024 (Annexure P-3). He further submits that the continuation of the proceedings in the FIR (supra) would hamper the matrimonial life of the petitioner and respondent No.2. He further relies upon the judgment of the Hon'ble Supreme Court in 'Kapil Gupta Vs. State of NCT of Delhi and others' 2022 (4) RCR (Criminal) 497.

Notice of motion for 27.09.2024.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Ms. Kamaldeep Kaur, Advocate accepts notice for respondent No.2 and files her vakalatnama and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties 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. 27.09.2024.

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 effected 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

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is allowed and FIR No.254 dated 15.07.2024 under Sections 376(2)(n)/506 of IPC and Section 3(2)(v) of SC/ST Act,1989 (amended) 2015 and Section 66-E/67-A of IT Act, 2008 registered at Police Station City Rewari, District Rewari (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

(HARPREET SINGH BRAR)

JUDGE

27.09.2024

Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No