



CRM-M-44093-2024 (O&M)

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231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44093-2024 (O&M)

Date of decision: 16.10.2024

AMIT KUMAR

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Gharoo, Advocate for
Mr. Amit Kumar Goyal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Ms. Muskan Chugh, Advocate for
Mr. Kuldeep Singh Rawat, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. Instant petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita seeking quashing of the FIR No. 0031 dated 06.05.2024, registered under Sections 376(2)N and 506 of the Indian Penal Code at Police Station Women Police Station, District Bhiwani and all subsequent proceedings arising out of the same, on the basis of compromise dated 26.07.2024 (Annexure P-3 and P-4).

2. The following order was passed on 06.09.2024:

“Instant petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita seeking quashing of the FIR No. 0031 dated 06.05.2024, registered under Sections 376(2)N and 506 of the Indian Penal Code at Police Station Women Police Station, District Bhiwani and all subsequent proceedings arising out of the same, on the basis of compromise dated 26.07.2024 (Annexure P-3 and P-4).

*Learned counsel for the petitioner relies upon a judgment of the Hon'ble Supreme Court in **Kapil Gupta Vs. State of N.C.T. of Delhi and another, 2022 (4) RCR (Crl.) 497**, to contend*



*that FIR under Section 376 of IPC can be quashed on the basis of compromise. Learned counsel has further relied upon a judgment of this Court in **Karan Sharma Vs. State of Haryana and another, 2021(1) Law Herald 149** and contends that once the parties have compromised the matter and decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.*

Notice of motion returnable for 16.10.2024.

Mr. Vikas Bhardwaj, AAG Haryana, who is present in the Court, accepts notice on behalf of respondent No. 1-State and Mr. K.S. Rawat, Advocate has put in appearance on behalf of respondent No. 2 and filed power of attorney. Same is taken on record. Learned counsel for respondent No. 2 admits the factum of compromise.

Service is complete.

In the meantime, Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date.

convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 16.10.2024. A copy of this 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. 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 (CrI.) 1052**, this petition is allowed and FIR No. 0031 dated 06.05.2024, registered under Sections 376(2)N and 506 of the Indian Penal Code at Police Station Women Police Station, District Bhiwani along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

October 16, 2024

Ajay Goswami

(i) Whether speaking/reasoned

(ii) Whether reportable

(HARPREET SINGH BRAR)

JUDGE

Yes/No

Yes/No