

Sr. No.280

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-45155-2023
Date of decision: 01st April, 2024**

SACHIN**Petitioner**

versus

STATE OF HARYANA AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Kamaldeep Singh Sodhi, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Sanjeev Kumar, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.69 dated 12.08.2023, under Section 376(2)(n) IPC, 1860, registered at Police Station Women Cell, Panchkula, District Panchkula (Annexure P-1), on the basis of compromise deed dated 22.08.2023 (Annexure P-4) arrived at between the parties.

[2] Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2-complainant on account of a misunderstanding. However, with the intervention of the respectables, the matter has now been amicably settled and the parties have executed compromise deed dated 22.08.2023 (Annexure P-4). The petitioner has solemnized marriage with respondent No.2 on 22.08.2023 and copy of their marriage certificate and photographs are annexed as Annexures P-2 and P-3 respectively. Respondent No.2-complainant does not want to pursue the FIR and she has no objection if the FIR is quashed.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] On 19.01.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 15.03.2024, received from the Judicial Magistrate, Ist Class, Panchkula, through the District & Sessions Judge, Panchkula, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as “Proclaimed Offender” and he is not involved in any other criminal case.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[6.1] Learned State counsel has filed status report by way of affidavit of Sh. Manpreet Singh Sudan, IPS, Assistant Commissioner of Police, Panchkula, on behalf of respondent-State of Haryana, which is taken on record.

[7] Though the offence under Section 376 IPC is serious in nature, however, as per the version of the prosecutrix in the FIR, the petitioner and the prosecutrix became friends and the petitioner also introduced the prosecutrix to his family. The petitioner forced himself upon the prosecutrix on the pretext of getting married, but later on, he refused to solemnize marriage with her. However, now the petitioner has solemnized marriage with the prosecutrix.

[8] In these circumstances, continuing with the prosecution on the basis of the FIR would not be in the interest of the parties and the same would not serve any purpose. The compromise between the parties is genuine and voluntarily made and in view of the ratio of the decision of Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543** and the decision of Hon'ble the

others 2007 (3) RCR (Criminal) 1052, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

[9] Consequently, this petition is allowed and FIR No.69 dated 12.08.2023, under Section 376(2)(n) IPC, 1860, registered at Police Station Women Cell, Panchkula, District Panchkula (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] However, the respondent No.2-complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 22.08.2023 (Annexure P-4) are violated.

[11] Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

01st April, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No