



235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43732-2024 (O&M)
Date of decision: 14.10.2024

PREETI AND OTHERS

...PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Johan Kumar, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Vinit Bhutani, Advocate for
Mr. Akshit Mehta, 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.27 dated 18.01.2023 under Sections 376, 328, 354-C, 120-B, 386, 506 of IPC, registered at Police Station Saran, District Faridabad (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit of respondent No.2 dated 18.05.2023 (Annexure P-4).

2. The following order was passed on 05.09.2024 :-

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.27 dated 18.01.2023 under Sections 376, 328, 354-C, 120-B, 386, 506 of IPC, registered at Police Station Saran, District Faridabad (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit of respondent No.2 dated 18.05.2023 (Annexure P-4).

Learned counsel for the petitioners, inter alia, contends that FIR (supra) was registered on 18.01.2023 due to misunderstanding and misguidance and respondent No.2 has effected a compromise with the petitioners on 18.05.2023 and



sworn an affidavit dated 18.05.2023 to that effect and the parties have settled their dispute amicably. Learned counsel for the petitioners 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 for 14.10.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Akshit Mehta, Advocate accepts notice for respondent No.2 and files his Vakalatnama, which is taken on record. 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.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

3. In compliance of the above 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.27 dated 18.01.2023 under Sections 376, 328, 354-C, 120-B, 386, 506 of IPC, registered at Police Station Saran, District Faridabad (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

October 14, 2024
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(HARPREET SINGH BRAR)
JUDGE

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