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

**CRM-M-43025-2024 (O&M)
Date of Decision: 18.11.2024**

SUNIL KUMAR

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Baljeet Beniwal, Advocate for the petitioner.
Mr. Deepak Kr. Grewal, DAG Haryana.
Ms. Gursimran Walia, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 399 dated 28.08.2023, registered at Police Station Dabua, District Faridabad, under Sections 376 (2) (N) and 323 of the IPC, on the basis of a compromise deed (Memorandum of Understanding) dated 30.07.2024 (Annexure P-3) executed between the parties.

[2] Learned counsel for the petitioner contends that both the petitioner and respondent No.2/prosecutrix are major. The prosecutrix has categorically stated that there was a consensual relationship between her and the petitioner during her deposition in the Court (Annexure P-2). Now the matter stands compromised as per the Memorandum of Understanding (Annexure P-3). The petitioner and prosecutrix-respondent No.2 are married to each other. As such, the respondent No.2-prosecutrix does not want to take any action against the petitioner.

[3] Learned counsel appearing on behalf of respondent No. 2 has

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confirmed the factum of compromise between the parties.

[4] On 02.09.2024, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 08.11.2024, received from the learned Addl. District & Sessions Judge, Faridabad the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Prosecutrix has pleaded that petitioner-accused had got married to her and even adopted her daughter born out of his loins. The petitioner has not been declared as “Proclaimed Offender”.

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

[7] The dispute between the parties stands settled. Keeping in view the fact that 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 Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and 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.

[8] Consequently, this petition is allowed and FIR No. 399 dated 28.08.2023, registered at Police Station Dabua, District Faridabad, under Sections 376 (2) (N) and 323 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, respondent No.2 and the State shall be at liberty to



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seek cancellation of this order, in case the final terms and conditions of compromise are violated.

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

18.11.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No