225 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43347-2024 (O&M)
Date of decision: 16.10.2024

GOPAL @ GOPAL RAGHAV

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Tejaswini, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Ms. Khyati Oberoi, Advocate for
Mr. Pranshul Dhull, Advocate
for respondent No. 2.

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HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 [analogous to Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] seeking quashing of FIR No.30 dated 30.03.2021 under Sections 363, 366, 506 of the Indian Penal Code, 1860 and Sections 6, 4, 17 of The Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') (Section 6 of POCSO Act was deleted and Sections 4 & 17 of POCSO Act were added later on), registered at Women Police Station Manesar, District Gurugram (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 17.08.2024 (Annexure P-7).

2. The following order was passed on 09.09.2024:

> *"This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 [analogous to Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] seeking quashing of FIR No.30 dated 30.03.2021 under Sections*

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363, 366, 506 of the Indian Penal Code, 1860 and Sections 6, 4, 17 of The Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') (Section 6 of POCSO Act was deleted and Sections 4 & 17 of POCSO Act were added later on), registered at Women Police Station Manesar, District Gurugram (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 17.08.2024 (Annexure P-7).

Learned counsel for the petitioner, inter alia, contends that the petitioner and respondent No.3 fell in love with each other and their relationship was opposed to respondent No.2 and on the basis of his allegations, FIR (supra) was registered. The statement of prosecutrixrespondent No.3 was recorded under Section 164 Cr.P.C., in which she made no allegation against the petitioner and rather stated that she left her house on her volition. It is further contended that now respondent No.3 is 19 years of age and a compromise (Annexure P-7) has been effected between the parties, perusal of which clearly indicates that respondent No.3 has also signed the said compromise deed. Learned counsel for the petitioner relies upon a Full Bench judgment of the Delhi High Court passed in Court on its own motion (Lajja Devi) Vs. State' 2012 (4) CCR 72 and contends that FIR can be quashed on the basis of compromise, when the victim has attained the majority and consented to get the FIR quashed.

Notice of motion.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Pranshul Dhull, Advocate accepts notice for respondents No.2 & 3 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.

Learned counsel for respondents No.2 & 3 submits that the compromise is for the mutual benefit of the petitioner and respondent No.3, as they fell in love with each other, when they were teenagers and now for the betterment of their future and career, they have effected a compromise, as their whole life is ahead of them.

Adjourned to 16.10.2024.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa

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Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa 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/Illaqa 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 (Crl.) 1052**, this petition is allowed and FIR No.30 dated 30.03.2021 under Sections 363, 366, 506 of the Indian Penal Code, 1860 and Sections 6, 4, 17 of The Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') (Section 6 of POCSO Act was deleted and Sections 4 & 17 of POCSO Act were added later on), registered at Women Police Station Manesar, District Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

October 16, 2024
Ajay Goswami

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

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