



236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43738-2024 (O&M)
Date of decision: 14.10.2024

HAPPY @ HAPPY SANDHU AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Zorawar Singh Chauhan, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Jitender K. Sherawat, Advocate
for respondents No.2 & 3.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023/Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.319 dated 26.11.2021 under Sections 363 & 366 of IPC, registered at Police Station Phillaur, District Jalandhar Rural (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 22.08.2024 (Annexure P-2).

2. The following order was passed on 05.09.2024 :-

"This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023/Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.319 dated 26.11.2021 under Sections 363 & 366 of IPC, registered at Police Station Phillaur, District Jalandhar Rural (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 22.08.2024 (Annexure P-2).



*Learned counsel for the petitioners, inter alia, contends that when the FIR (supra) was registered, respondent No.3 was minor and now she has attained the majority and effected the compromise with the petitioners and in view of law laid down by the Full Bench judgment of the Delhi High Court passed in **Court on its own motion (Lajja Devi) Vs. State, 2012 (4) CCR 72**, 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 for 14.10.2024.

At this stage, on asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Jitender K. Sherawat, Advocate accepts notice for respondent No.2 and files Power of Attorney, 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.319 dated 26.11.2021 under Sections 363 & 366 of IPC, registered at Police Station Phillaur, District Jalandhar Rural (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 |