



CRM-M-44456-2024 (O&M)

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235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44456-2024 (O&M)
Date of decision: 16.10.2024

ROVESH RATHORE

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arun Sharma, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Yashasvi A. Kumar, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.148 dated 17.06.2022 under Section 346 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 363, 366 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 were added later on), registered at Police Station Sector 17/18, Gurugram (Annexure P-1) and all the subsequent proceedings emanating therefrom, on the basis of compromise dated 21.08.2024 (Annexure P-2).

2. The following order was passed on 09.09.2024:

"Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.148 dated 17.06.2022 under Section 346 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 363, 366 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 were added later on), registered at Police Station Sector 17/18, Gurugram (Annexure P-1) and all the subsequent proceedings emanating



therefrom, on the basis of compromise dated 21.08.2024 (Annexure P-2).

Learned counsel for the petitioner, inter alia, contends that the petitioner and daughter of respondent No.2 fell in love with each other and their relationship was opposed to respondent No.2 and as such, both of them eloped and performed marriage on 25.12.2023 and they were blessed with a child. Now with the intervention of respectables, for the welfare and future of the petitioner and daughter of respondent No.2, the parties have effected a compromise (Annexure P-2), which has been signed by respondent No.2 as well as his daughter-prosecutrix. Learned counsel relies upon judgment of the Hon'ble Supreme Court passed in K. Dhandapani Vs. The State by The Inspector of Police, 2022 SCC Online SC 1056, Full Bench judgment of the Delhi High Court passed in Court on its own motion (Lajja Devi) Vs. State' 2012 (4) CCR 72 and judgment of this Court in Devendranath Vs. State of U.T. Chandigarh and others, passed in CRM-M-23281-2023, to contend that FIR can be quashed on the basis of compromise, when the victim-prosecutrix has attained the majority and consented to get the FIR quashed.

Notice of motion for 16.10.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Yashasvi A. Kumar, 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."

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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.148 dated 17.06.2022 under Section 346 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 363, 366 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 were added later on), registered at Police Station Sector 17/18, Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

October 16, 2024*Ajay Goswami***(HARPREET SINGH BRAR)
JUDGE**

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