



281 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH

CRM-M-47033-2023 (O&M)

Date of Decision: 03.10.2024

SHINDER AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Rishabh Singla, AAG Punjab.

Mr. Vivek K. Thakur, Advocate for respondent No. 2.

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**HARPREET SINGH BRAR J. (Oral)**

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.36 dated 17.06.2022 registered at Police Station Bholath, District Kapurthala under Sections 376, 120-B IPC, on the basis of affidavits dated 29.03.2023 (Annexure P-4) duly executed by petitioner No.1-Shinder Kaur and respondent No.2-Manpreet Kaur.

2. The following order was passed on 06.08.2024:

**"CRM-30960-2024"**

*The present application has been filed for placing on record statement of PW1 Inspector Sonamdeep Kaur and statement of PW2 Manpreet Kaur as Annexures P-8 and P-9.*

*For the reasons mentioned in the application, the same is allowed.*

*Annexures P-8 and P-9 are taken on record subject to all just exceptions.*

*Office to tag the same at appropriate place.*

**Main case**



*The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.36 dated 17.06.2022 registered at Police Station Bholath, District Kapurthala under Sections 376, 120-B IPC, on the basis of affidavits dated 29.03.2023 (Annexure P-4) duly executed by petitioner No.1-Shinder Kaur and respondent No.2-Manpreet Kaur.*

*Learned counsel for the petitioners contends that the respondent No.2 was already married. As per the FIR, the allegations are that respondent No.2 was not residing with her husband and she was allegedly allured that her marriage would be solemnized with the petitioner No.4-Ravi. The other petitioners are relatives of petitioner No.4-Ravi. He further contends that the matter has been compromised between the parties and affidavit dated 29.03.2023 (Annexure P-4) has been duly executed by petitioner No.1-Shinder Kaur and respondent No.2- Manpreet Kaur. He submits that even a cross FIR No.50 dated 14.08.2022 was registered at the instance of petitioner No.1-Shinder Kaur and in the said case, the matter stands compromised between the parties. He further submits that the case is at the initial stage. The statements of PW-1 and PW-2 have only been recorded. The matter stands resolved between the parties, as such respondent No.2 does not want to take any action in the present FIR. He has placed reliance upon the judgment passed in Criminal Appeal No.3431 of 2023 titled Vinod Gupta vs. State of Madhya Pradesh and another decided on 06.03.2024 by the Hon'ble Apex Court and also the judgment passed in CRM-M-58362 of 2023 titled Manjinder Singh vs. State of Punjab and another decided on 24.01.2024 by the Coordinate Bench of this Court wherein compromise was accepted in a case registered under Section 376 IPC.*

*Notice of motion has already been issued by the Coordinate Bench of this Court vide order dated 17.11.2023..*

*Learned counsel for respondent No.2 confirms about*



*factum of compromise between the parties.*

*The State to file objections, if any; and also to verify as to whether all the accused in the present FIR/case have been arrayed as a party in the present petition and as to whether any of the accused has been declared as proclaimed offender. State may file reply/status report.*

*Copies of the petition be handed over to learned counsel for the respondents during the course of the day.*

*The parties are directed to appear before the trial Court/Illaqa Magistrate up-to 22.08.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaqa Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-*

*I. Whether a genuine compromise has been arrived at between all the affected parties.*

*II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?*

*III Whether during investigation, any additional accused has been added and he/she is a party to the compromise?*

*IV Whether any accused is a Proclaimed Offender? V Whether after the registration of the FIR any offence was added or deleted during investigation?*

*VI Whether investigation is pending against any of the accused or any accused has been declared as innocent.*

*Adjourned to 03.10.2024.*

*In the meantime, power of attorney of learned counsel for respondent No.2 be filed.”*

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.36 dated 17.06.2022 registered at Police Station Bholath, District Kapurthala under Sections 376, 120-B of Indian Penal Code, along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

03.10.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No