



CRM-M-44445-2024 (O&M)

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234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44445-2024 (O&M)
Date of decision: 16.10.2024

RANA AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohd. Salim, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Puneet Pali, Advocate
for respondents No. 2 and 3.

HARPREET SINGH BRAR J. (ORAL)

1. This second petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.125 dated 19.10.2023 under Sections 363 & 366-A of IPC (Section 376 of IPC was added later on), registered at Police Station Banur, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.09.2024 (Annexure P-5).

2. The following order was passed on 09.09.2024:

"This second petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.125 dated 19.10.2023 under Sections 363 & 366- A of IPC (Section 376 of IPC was added later on), registered at Police Station Banur, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.09.2024 (Annexure P-5).

First petition was dismissed as withdrawn on 12.08.2024 and liberty was granted to file a fresh petition with better particulars.

Learned counsel for the petitioners, inter alia, contends that petitioner No.1 and respondent No.3 were having a



love affair and both of them are major and they consciously carried on with their consensual relationship, which was opposed by family members of respondent No.3 and respondent No.2 got registered the FIR (supra) against the petitioners. Now for the welfare and well-being of the parties, a compromise has effected between the parties and they have settled their dispute amicably. Learned counsel for the petitioners relies upon a judgment of the Hon'ble Supreme Court in Kapil Gupta Vs. State of N.C.T. of Delhi and another, 2022 (4) RCR (Crl.) 497, to contend that FIR under Section 376 of IPC can be quashed on the basis of compromise. Learned counsel has further relied upon a judgment of this Court in Karan Sharma Vs. State of Haryana and another, 2021(1) Law Herald 149 and contends that once the parties have compromised the matter and decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

Notice of motion for 16.10.2024.

At this stage, on asking of the Court, Mr. Rishabh Singla, AAG Punjab accepts notice on behalf of respondent No.1-State and Mr. Mohd. Zeeshan Khan, 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.

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 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.



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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.125 dated 19.10.2023 under Sections 363 & 366- A of IPC (Section 376 of IPC was added later on), registered at Police Station Banur, District Patiala (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

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

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