

CRM-M-45955-2024
Date of decision: 18.10.2024

...PETITIONER

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

Present: Mr. S.S. Antal, Advocate for
Mr. Punit Malik, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Vikas, Advocate for
Mr. Manish Dhankhar, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 of BNSS seeking quashing of FIR No.288 dated 18.04.2024 under Section 376(2)(n) of IPC registered at Police Station Gurugram Sadar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of affidavit dated 03.09.2024 (Annexure P-2).

2. The following order was passed on 16.09.2024 :-

“This petition has been filed under Section 528 of BNSS seeking quashing of FIR No.288 dated 18.04.2024 under Sections 376(2)(n) of IPC registered at Police Station Gurugram Sadar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of affidavit dated 03.09.2024 (Annexure P-2).

Learned counsel for the petitioner inter alia contends that the relationship between the petitioner and respondent No.2 was consensual in nature and both are major and they came into contact with each other through a dating app in the year 2019 and



thereafter, there was a break up between them and due to misunderstanding, the prosecutrix/respondent No.2 has got the FIR (supra) registered against the petitioner, however, keeping in view the welfare and the future of the prosecutrix, she has effected a compromise with the petitioner and executed an affidavit dated 03.09.2024 (Annexure P-2) in this regard. He further relies upon the judgment of the Hon'ble Supreme Court in 'Kapil Gupta Vs. State of NCT of Delhi and others' 2022 (4) RCR (Criminal) 497 and the judgment of this Court passed in 'Karan Sharma Vs. State of Haryana and another' CRM-M-30033 of 2020 (O&M) decided on 22.12.2020.

Notice of motion for 18.10.2024.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Manish Dhankhar, Advocate accepts notice for respondent No.2 and files his power of attorney and admits to the factum of compromise. 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.
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.288 dated 18.04.2024 under Sections 376(2)(n) of IPC registered at Police Station Gurugram Sadar (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

October 18, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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