

CRM-M-47341-2024
Date of decision: 23.10.2024

...PETITIONER

STATE OF HARYANA AND OTHERS

...RESPONDENTS

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Maninderjit Singh, Advocate for respondent No.3.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.488 dated 13.11.2021 under Sections 363 & 366-A of the Indian Penal Code, 1860 (for short 'IPC') and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (added later on), registered at Police Station Dabua, District Faridabad (Annexure P-3) and all the subsequent proceedings emanating therefrom.

2. The following order was passed on 23.09.2024 :-

“Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.488 dated 13.11.2021 under Sections 363 & 366-A of the Indian Penal Code, 1860 (for short ‘IPC’) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (added later on), registered at Police Station Dabua, District Faridabad (Annexure P-1) and all the subsequent proceedings emanating therefrom.

Learned counsel for the petitioner, inter alia, contends that the petitioner and respondent No.3 fell in love with each other and



their relationship was opposed to respondent No.2 and as such, they eloped and performed marriage and currently, the petitioner and respondent No.3 are cohabiting as husband and wife and out of their wedlock, they are blessed with a female child. Further, respondent No.3 was produced before the jurisdictional Magistrate and her statement under Section 164 of the Code of Criminal Procedure, 1973 was recorded, wherein she clearly stated that she was in love with the petitioner and now she is pregnant. She is major and is more than 20 years of age. Reliance in this regard has been placed upon her Aadhar Card (Annexure P-1). Learned counsel for the petitioner submits that proximity of the age between the petitioner and respondent No.3 must be given due consideration and a compassionate view be taken considering their young age and nature of circumstances. In support of his arguments, learned counsel for the petitioner relies upon the judgment of the Hon'ble Apex Court in 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 of this Court in Devendranath Vs. State of U.T. Chandigarh and Others, CRM-M-23281- 2023.

Notice of motion for 23.10.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Maninderjit Singh, Advocate accepts notice for respondent No.3 and files his Vakalatnama, which is taken on record. Copy of the paper book be supplied to them during the course of day.

In the meanwhile, since respondent No.2 is only an informant and actual victim is respondent No.3 and she has no objection in case the FIR (supra) is quashed, the petitioner and respondent No.3 are directed to appear before learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to learned trial Court/Illaq Magistrate, to get their statements recorded in this regard and after recording their statements, learned trial Court/Illaq Magistrate is directed to send the report 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.488 dated 13.11.2021 under Sections 363 & 366-A of the Indian Penal Code, 1860 (for short ‘IPC’) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (added later on), registered at Police Station Dabua, District Faridabad (Annexure P-3) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

October 23, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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