

[272] IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-49851-2023  
Date of Decision : 05.02.2024

Dinesh @ Dinesh Batta ...Petitioner  
versus  
State of Punjab and another ....Respondents

Coram : HON’BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Pankaj Bali, Advocate for the petitioner.  
  
Mr. Amit Rana, Sr. DAG, Punjab.  
  
Mr. Raghav Bali, Advocate for  
Mr. Ankit Aggarwal, Advocate  
for respondent No.2.

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DEEPAK GUPTA, J. (ORAL)

[1] Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.211, dated 07.12.2022, registered under Section 377 of the IPC, at Police Station Khanna City-2, and all subsequent proceedings arising therefrom on the basis of compromise dated 18.09.2023 (Annexure P-2).

[2] This Court vide order dated 12.12.2023 had directed the parties to appear before the Trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send the report qua the genuineness of the compromise. The same is reproduced as under:-

“ Present: Mr. Pankaj Bali, Advocate for the petitioner.  
Mr. Parneet Singh Pandher, AAG, Punjab.  
Mr. Ankit Aggarwal, Advocate for respondent No.2.  
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*Learned State counsel has not filed any reply to the petition, so as to oppose the quashing of FIR No.211 dated 07.12.2022, under Section 377 IPC, registered at Police Station City-2, Khanna.*

*Having regard to the gravity of the offence, which is attached with Section 377 of IPC, the Court will not normally allow quashing of the FIR in question on the basis of compromise, in respect of such an offence. However, considering the fact that petitioner and respondent No.2 are husband and wife, who are today even present in the Court and they are living peacefully after having resolved their differences and having compromised the matter, this Court is inclined to accept their request.*

*Let both the parties appear before learned Trial Court/Area Magistrate for making the statements regarding the compromise on 05.01.2024 or any other date which may be fixed by the Trial Court/Area Magistrate. Learned Trial Court/Area Magistrate shall report to this Court regarding the genuineness of the compromise; number of accused involved; the fact that all the aggrieved parties are party to the compromise, that no accused is absconding/P.O. Statement of Investigating Officer shall also be recorded by the Trial Court/Area Magistrate to the effect that no other accused or aggrieved person is involved.*

*Adjourned to 05.02.2024. ”*

[3] Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Khanna, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.01.2024 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

[4] Statement of Respondent No.2-complainant namely, Rajni Rani, with regard to compromise was recorded before learned Magistrate on 05.01.2024.

[5] Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

[6] In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R. following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and F.I.R. No.211, dated 07.12.2022, registered under Section 377 of the IPC, at Police Station Khanna City-2, and all subsequent proceedings arising therefrom on the basis of compromise qua petitioner, are hereby quashed.

(DEEPAK GUPTA)  
JUDGE

05.02.2024  
'Rajneesh'

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/ reasoned | : | Yes/No |
| Whether reportable         | : | Yes/No |