

CRM-M-51071-2023 (O & M)
Date of decision: 08.04.2024

...PETITIONER

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vimal Kumar Gupta, Advocate with
Mr. Palkin Bhardwaj, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Sahil Goyal, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

The petitioner has filed the present petition seeking quashing of FIR No.93 dated 04.05.2023 under Sections 376/511 IPC (Section 457 IPC added later on) at Police Station Rajpur Rani, District Panchkula, (Annexure P-1) and all other proceedings arising therefrom on the basis of the compromise dated 28.09.2023 (Annexures P-2).

2. The following order was passed on 14.12.2023 :-

“xxx....

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.93 dated 04.05.2023 under Sections 376, 511 of the Indian Penal Code, 1860 (Section 457 added later on) registered at Police Station Raipur Rani, District Panchkula (Annexure P-1), and all other consequential proceedings arising there-from, on the basis of a compromise dated 28.09.2023 (Annexure P-2).

Learned counsel for the petitioner would contend that the allegations in the FIR were that the petitioner had attempted to rape the complainant-respondent No.2. It is further the contention of the learned counsel that the parties have now

compromised the matter with the intervention of the respectable people of the society and the same has been reduced into writing on 28.09.2023 (Annexure P-2). Learned counsel for the petitioners has relied upon the judgement of Hon'ble Supreme Court rendered in "Gian Singh Vs. State of Punjab & Anr." [2012 (10) SCC 303] and the Larger Bench's judgement of this Court in "Kulwinder Singh & Ors. Vs. State of Punjab & Anr." [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Ms. Priyanka Sadar, AAG Haryana accepts notice on behalf of respondent No.1-State. Mr. Arjun Dhingra, Advocate appearing for Mr. Sahil Goyal, Advocate accepts notice for respondent No.2/complainant. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 has stated that the parties have since entered into a compromise, a copy whereof is annexed as Annexure P-2 with the petition. He further submits that the said compromise has been duly signed by the complainant as well and now the parties have no grudge against each other and further that respondent No.2 has no objection if the aforesaid FIR is quashed in view of the compromise between the parties.

List on 08.04.2024.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 22.01.2024, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:

- 1) Whether the compromise dated 28.09.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether all the accused are party to the compromise.*
- 3) Whether any other criminal cases are pending against the parties.*
- 4) Whether any proclamation proceedings are pending against either of the parties."*

3. In compliance of the above 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.93 dated 04.05.2023 under Sections 376/511 IPC (Section 457 IPC added later on) at Police Station Rajpur Rani, District Panchkula, (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.
5. Pending application(s), if any, also stand(s) disposed of.

April 08, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i) Whether speaking/reasoned

Yes/No

(ii) Whether reportable

Yes/No