



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-48022-2024

Date of decision:29.10.2024

GOPAL YADAV

..PETITIONER(S)

Versus

STATE OF HARYANA AND ANOTHER

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Kumar Bhardwaj, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Subhash Rana, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 142 dated 10.07.2023 under Sections 376(2)(N)/377/323/506/34 of IPC registered at Police Station Sector 6, Dharuhera, District Rewari, Haryana and all subsequent proceedings arising therefrom in view of the compromise dated 16.12.2023 (Annexure P-2).

2. The following order was passed on 25.09.2024:-

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.142 dated 10.07.2023 under Sections 376(2)(N)/377/323/506/34 of IPC registered at Police Station Sector 6, Dharuhera, District Rewari, Haryana (Annexure P-1) along with all subsequent



proceedings arising therefrom on the basis of compromise deed dated 16.12.2023 (Annexure P-2).

Learned counsel for the petitioner inter alia contends that there is a matrimonial dispute between the parties which is purely private in nature, on the basis of which the FIR (supra) got registered. He further submits that with the intervention of respectables and elders of both the parties, the matter has been compromised. It is further submitted that the parties are ready and willing to record their statements for quashing of FIR (supra) on the basis of compromise. 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 29.10.2024.

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. Ravi Malik, 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 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. 142 dated 10.07.2023 under Sections 376(2) (N)/377/323/506/34 of IPC registered at Police Station Sector 6, Dharuhera, District Rewari, Haryana and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

29.10.2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No