

CRM-M-49629-2024
Date of decision: 10.12.2024

...PETITIONER

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Present: Mr. Aman Mittal, Advocate for the petitioner.
Mr. Nitesh Sharma, DAG, Punjab.
Mr. Simran Singh, Advocate for respondent No.2.

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.181 dated 12.12.2023, under Section 376 IPC, 1860, registered at Police Station Goraya, District Jalandhar Rural (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 16.09.2024 (Annexure P-2).

“1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of FIR No.181 dated 12.12.2023, under Section 376 IPC, 1860, registered at Police Station Goraya, District Jalandhar Rural (Annexure P-1), on the basis of a compromise deed dated 16.09.2024 (Annexure P-2), executed between the parties.

3. On the asking of the Court, Ms. Himani Arora, AAG, Punjab, accepts notice on behalf of respondent No.1-State.

4. *Mr. Simranjit Singh, Advocate, accepts notice on behalf of respondent No.2 and filed his 'vakalatnama' in the Court today,*



which is taken on record. He confirms about factum of compromise between the parties.

5. *Copies of the petition be handed over to learned counsel for the respondents during the course of the day.*

6. *The parties are directed to appear before the trial Court/Illaq Magistrate on or before 25.11.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-*

I. Whether a genuine compromise has been arrived at between all the affected parties?

II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?

III. Whether during investigation, any additional accused has been added and he/she is a party to the compromise?

IV. Whether any accused is a Proclaimed Offender?

V. Whether after the registration of the FIR any offence was added or deleted during investigation?

VI. Whether investigation is pending against any of the accused or any accused has been declared as innocent?

7. *Adjourned to 10.12.2024, awaiting the report of the trial Court."*

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. Learned counsel for the petitioner relies upon a judgment of the Hon'ble Supreme Court in ***Kapil Gupta Vs. State of N.C.T. of Delhi and another, 2022 (4) RCR (Crl.) 497***, to contend that FIR under Section 64 of Bharatiya Nyaya Sanhita, 2023 (erstwhile Section 376 of IPC) can be quashed on the basis of compromise. Learned counsel has further relied upon a



judgment of this Court in *Karan Sharma Vs. State of Haryana and another, 2021(1) Law Herald 149* and contends that once the parties have compromised the matter and decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

5. 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.181 dated 12.12.2023, under Section 376 IPC, 1860, registered at Police Station Goraya, District Jalandhar Rural (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

December 10, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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