

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

262

CRM-M-52536-2023 (O&M)
Date of decision: 16.02.2024

ANKIT SATI

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Lupin Saini, Advocate and
Mr. Aryavart, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Ms. J.S. Kaushik, Advocate for
Mr. Dharamvir Sharma, Advocate for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.274 dated 16.09.2022 registered at Police Station DLF Phase-III Gurugram, District Gurugram under Sections 376(2)(n) & 506 of the IPC on the basis of compromise dated 12.10.2022 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the present FIR was registered at the instance of respondent No.2 with the allegations that the petitioner had made physical relations with respondent No.2 on the pretext of marriage and thereafter refused to perform marriage with her. He further contends that the petitioner and respondent No.2 are major and a compromise deed dated

12.10.2022 (Annexure P-2) has been executed between both the parties. He submits that now the parties have solemnized marriage and he has referred to the marriage certificate issued by the Mahila Arya Samaj Mandir, Gurugram (Annexure P-3). He further submits that respondent No.2 does not want to take any action in the present FIR.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] As per order dated 07.11.2023 passed by the Coordinate Bench of this Court, the parties were directed to appear before the CJM/Illaq Magistrate/trial Court for recording of their statements and the report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 08.12.2023 of Court of Dr. Rahul Bishnoi, Addl. District and Sessions Judge, Gurugram, statements of petitioner and complainant-respondent No.2 have been recorded. The accused has not been declared as Proclaimed Offender in this case. He has submitted that the compromise is genuine and voluntary without any force or undue influence. No case is pending against the petitioner except the present case. There is only one victim/complainant and the compromise is supported by her.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[7] The Hon'ble Apex Court in *Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543*, has observed that in order to secure the ends of justice or to prevent the abuse of the process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[8] Since the dispute has already settled and both the parties being major

have already performed marriage, as such, further continuing with the present FIR is not in the interest of the parties. This Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[9] Consequently, this petition is allowed and FIR No.274 dated 16.09.2022 registered at Police Station DLF Phase-III Gurugram, District Gurugram under Sections 376(2)(n) & 506 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

16.02.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No