



236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54276-2023 (O&M)

Date of decision: 09.08.2024

PIRDIYA @ MANISH

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dhruv Gupta, Advocate and
Ms. Akanksha Pal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Prince Pushpinder 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. 90 dated 05.10.2021 under Sections 363/366-A IPC and 6 of POCSO, 2012 (added later on) registered at Police Station Naggal, District Ambala (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 18.10.2023 (Annexure P-2).

2. The following order was passed on 09.07.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.90 dated 05.10.2021 under Sections 363/366-A IPC and 6 of POCSO, 2012 (added later on) registered at Police Station Naggal, District Ambala (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 18.10.2023 (Annexure P-2).

Learned counsel for the petitioner inter alia contends that the petitioner and the prosecutrix were having

love affair with each other and their relationship was opposed by respondent No.2. The petitioner and the prosecutrix eloped and performed marriage with each other and out of this wedlock, they are blessed with one daughter and both of them are cohabiting together. The respondent No.2 has got the FIR (supra) registered as she did not approve their relationship. Now, the matter has been amicably resolved between the parties and a compromise has been effected. Reliance in this regard can be placed upon the following:-

Sr. No.	Case Title	Court
1.	K. Dhandapani v. The State 2022(2) R.C.R.(Criminal) 987	Hon’ble Supreme Court
2.	Ananda D.V. V. State and others 2021(OLR) 1074	
3.	Kapil Gupta v. State of NCT of Delhi and others 2022(4) R.C.R. (Criminal) 497	
4.	Jatin Aggarwal v. State of Telangana and others 2022(2)R.C.R(Criminal) 603	
5.	Ranjeet Kumar v. State of H.P. and others MANU/HP/2314/2013	Himachal Pradesh High Court (DB)
6.	Narinder Kaur @ Ninder Kaur and others v. State of Punjab and others CRM-M-41204-2020	Punjab and Haryana High Court
7.	Ashik Ramjan Ansari v. The State of Maharashtra and others 2023 CriLJ 3633	Bombay High Court
8.	Sabari v. Indpector of Police, Belukurichi Police Station and others 2019(3) R.C.R(Criminal) 452	Madras High Court
9.	Jitender Kumar Sharma v. State and others 2010(4) R.C.R. (Criminal) 20	Delhi High Court (DB)
10.	Skhemborlang Suting and others v. State of Meghalaya and others MANU/MG/0054/2022	Meghalaya High Court

11.	Tarun Vaishnav v. State of Rajasthan and others MANU/RH/16181/2022	Rajasthan High Court
12.	Kundan and another v. State and others Crl.M.C. 27/2022	Delhi High Court
13.	Devendranath v. State of U.T. Chandigarh and Others CRM-M-23281-2023	Punjab and Haryana High Court

Moreover, a Full Bench of Delhi High Court in **‘Court on its Own Motion (Lajja Devi) Vs. State’ 2012 (4) CCR 72**, has categorically held that in case, the prosecutrix/victim is more than 16 years of age and makes a statement to the effect that she left of her own volition and records a statement indicating that the consent was without any force, coercion or undue influence, the Court will be within its power to accept the statement and quash proceedings under Sections 363 or 376 of IPC. It has been further held that the FIR (supra) can be quashed if after attaining the age of majority, she affirms and reiterates her consent.

Adjourned to 09.08.2024.

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 i.e. 09.08.2024.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

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. 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 (CrI.) 1052**, this petition is allowed and FIR No. 90 dated 05.10.2021 under Sections 363/366-A of Indian Penal Code and 6 of POCSO, 2012 (added later on) registered at Police Station Naggal, District Ambala (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

August 09, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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