



CRM-M-53789-2024

-1-

235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53789-2024
Date of decision: 03.12.2024

SONU KUMAR ...PETITIONER

VERSUS

STATE OF HARYANA AND ANR. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bhanu Udai, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Ms. Mallika Dhillon, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking quashing of FIR No.24 dated 27.03.2024 under Sections 376(2) (n) of IPC and Section 6 of POCSO Act (Sections 363/366 of IPC added later on) registered at Police Station Women West, Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise deed 18.10.2024 (Annexure P-2).

2. The following order was passed on 28.10.2024:

"The petitioner has approached this Court seeking quashing of FIR and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion.

At the asking of Court Ms. Ankita Ahuja, AAG Haryana, accepts notice on behalf of respondent no.1/State.

Ms. Mallika Dhillon, Advocate, has entered appearance on behalf of respondent no.2 and filed her



vakalatnama. The same be kept on record.

The parties are directed to get their statements recorded qua the factum of compromise in the following manner:

(i) The petitioners shall appear before the trial Court/Illaqa Magistrate concerned on 7.11.2024 or any date thereafter as fixed by trial Court/Illaqa Magistrate for recording statements of the petitioners as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the trial Court/Illaqa Magistrate shall do the needful for recording the statements of the parties qua the factum of the compromise. It shall be open to the trial Court/Illaqa Magistrate to either record the statements of the parties by physical process or by video conferencing as deemed appropriate by the trial Court/Illaqa Magistrate.

(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.

(iii) The trial Court/Illaqa Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Illaqa Magistrate.

In case the petitioner is in custody, the concerned Court shall have the petitioner produced before it and then record statements. The question as to the maintainability of the petition is kept open.



CRM-M-53789-2024

-3-

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion.

The trial Court/Illaq Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

(i) Whether there is any other accused other than the petitioners, arrayed in this petition?

(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?

(iii) Whether any accused has been declared Proclaimed Offender?

The report be submitted before this Court before the next date of hearing

i.e. 3.12.2024."

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 (Crl.) 1052**, this petition



CRM-M-53789-2024

-4-

is allowed and FIR No.24 dated 27.03.2024 under Sections 376(2) (n) of IPC and Section 6 of POCSO Act (Sections 363/366 of IPC added later on) registered at Police Station Women West, Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

03.12.2024
renubala

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No