



CRM-M-59115-2023 (O&M) - 1 -

295 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59115-2023 (O&M)
Date of Decision: 18.11.2024

GURSEWAK SINGH @ ROBIN

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Kanishk Swaroop, Advocate for
Mr. Kuldeep Singh Siwach, Advocate for the petitioner.
Mr. Deepak Kr. Grewal, DAG Haryana.
Mr. Abdul Aziz, Advocate for respondent No.2.
* * *

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 44, dated 09.08.2023, registered at Women Police Station, District Fatehabad, under Sections 313, 376(2)(n), 376(3) and 506 of the IPC and Section 6 of the Protection of Children from Sexual Offences, Act, 2012, on the basis of a compromise deed dated 31.10.2023 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioner contends that though the prosecutrix was minor at the time of registration of the FIR as her date of birth is 10.10.2005, as per the birth certificate, dated 29.11.2023, issued by the Registrar Births and Deaths (Annexure P-4), however, at present she is major and both the petitioner and the prosecutrix have solemnized marriage as per the marriage certificate, dated 21.10.2023 (Annexure P-3). Both the parties are living together, as such, the complainant does not want to take any action against the petitioner.

[3] Learned counsel appearing on behalf of respondent No. 2 has

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confirmed the factum of compromise between the parties.

[4] On 12.08.2024, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 10.09.2024, received from the learned Judicial Magistrate First Class, Fatehabad the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as “Proclaimed Offender”.

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

[7] As per the statement of the prosecutrix recorded before the learned Judicial Magistrate First Class, Fatehabad, she has stated that though the present FIR has been registered on her behalf, however, she (the prosecutrix) and the petitioner subsequently have represented their relationship by entering into a wedlock on 21.10.2023 after attaining the age of majority and presently, she is happily living with the petitioner. She has further stated that now she does not want to take any action against the petitioner.

[8] The Kerala High Court in *Crl. M.C.No. 5765 of 2020(A)*, decided on 20.04.2021, *2021(3) Crimes 219, Law Finder Doc Id#1835173*, has held that when the accused and the victim have entered into a matrimonial relationship, there is no purpose in continuing with the proceedings. Even if the trial Court is allowed to proceed with the trial of the case, it is sure that material witnesses are not going to support the case. That means, it would be a futile exercise to continue the proceedings.

[9] Keeping in view the facts and circumstances of this case and in

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view of the fact that the parties have now represented their relationship by entering into a wedlock, in case further proceedings are continued on the basis of the present FIR, this can cause a lot of inconvenience. Even the future of respondent No.2-complainant (prosecutrix) would be in difficulty in case the petitioner is further prosecuted on the basis of the present FIR.

[10] Keeping in view the interest of the parties, it is in the fitness of things that the present compromise should be accepted.

[11] Consequently, this petition is allowed and FIR No. 44 dated 09.08.2023, registered at Women Police Station, District Fatehabad, under Sections 313, 376(2)(n), 376(3) and 506 of the IPC and Section 6 of the Protection of Children from Sexual Offences, Act, 2012 and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[12] However, respondent No. 2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise are violated.

[13] Pending miscellaneous application(s), if any, shall also stand disposed of.

18.11.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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