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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-59796-2024

Date of Decision: 17.12.2024

Sonu Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Ms. Shweta Bawa, 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 seeking quashing of FIR No.317 dated 06.10.2023 under Sections 364/376/511/354-D/34 of IPC registered at Police Station City Charkhi Dadri, District Charkhi Dadri (Haryana) (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 09.08.2024 (Annexure P-2) supported by affidavit of complainant dated 09.08.2024 (Annexure P-3).

2. The following order was passed on 02.12.2024:-

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.317 dated 06.10.2023 under Sections 364/376/511/354-D/34 of IPC registered at Police Station City Charkhi Dadri, District Charkhi Dadri (Haryana) (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 09.08.2024 (Annexure P-2) supported by affidavit of complainant dated 09.08.2024 (Annexure P-3).

Learned counsel for the petitioner submits that vide order

dated 27.09.2024 passed by this Court in CRM-M-41218-2024, the FIR (supra) was quashed and in compliance of the directions issued by this Court on 27.08.2024 in the aforementioned case, the prosecutrix had appeared and she has even made a statement in favour of the petitioner. He further relies upon the judgment of the Hon'ble Supreme Court in 'Kapil Gupta Vs. State of NCT of Delhi and others' 2022 (4) RCR (Criminal) 497 and the judgment of this Court passed in 'Karan Sharma Vs. State of Haryana and another' CRM-M-30033 of 2020 (O&M) decided on 22.12.2020.

Notice of motion for 17.12.2024.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Ms. Shweta Bawa, Advocate accepts notice for respondent No.2 and files her memorandum of appearance and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day. Learned counsel for respondent No.2 is directed to file her power of attorney on or before the next date of hearing.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within one week 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.

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 (Crl.) 1052*, this petition is allowed and FIR No.317 dated 06.10.2023 under Sections 364/376/511/354-D/34 of IPC registered at Police Station City Charkhi Dadri, District Charkhi Dadri, Haryana (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

17.12.2024
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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