



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

CRM-M-64852-2023 (O&M)

Date of decision: 01.10.2024

DIVESH

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.P. Chaudhary, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Ashok Kumar, Advocate
for respondent No. 3.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.756 dated 17.08.2022 under Sections 363/366-A/376-D/120-B IPC and Section 6 of POCSO Act 2012 registered at Police Station Camp Palwal, District Palwal (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 13.12.2023 (Annexure P-3).

2. The following order was passed on 31.08.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.756 dated 17.08.2022 under Sections 363/366-A/376- D/120-B IPC and Section 6 of POCSO Act 2012 registered at Police Station Camp Palwal, District Palwal (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 13.12.2023 (Annexure P-3).

Learned counsel for the petitioner inter alia contends that the petitioner and the prosecutrix (respondent No.3 herein) 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 on 11.12.2023 and thereafter, they approached this Court seeking protection by filing a joint petition bearing CRWP No.12053 of 2023, which was disposed of by this Court vide order dated 14.12.2023. It is further contended that petitioner and respondent No.3 are legally wedded and are cohabiting together. Now, with the intervention of the respectable, a compromise has been effected between the parties. Moreover, respondent No.2 is only informant and the case of the petitioner is squarely covered by the ratio of law laid down in **K. Dhandapani v. The State 2022(2) R.C.R.(Criminal) 987 and Devendranath v. State of U.T. Chandigarh and Others bearing No.CRM-M-23281-2023.***

*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 01.10.2024.

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. 01.10.2024.

Learned counsel for the petitioner undertakes to ensure the presence of respondent Nos.2 and 3 at the time of recording of statements.

A copy of the order be sent to learned trial Court/Illaqa 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. Perusal of record indicates that respondent No. 2 is only the informant, whereas the prosecutrix-respondent No. 3 has appeared before the jurisdictional Magistrate and has reiterated the fact that she has performed marriage with the petitioner on 11.12.2023.
5. 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.756 dated 17.08.2022 under Sections 363/366-A/376- D/120-B IPC and Section 6 of POCSO Act 2012 registered at Police Station Camp Palwal, District Palwal (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

October 01, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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