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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60165-2024 (O&M)
Date of decision: 17.12.2024

Sunder

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankur Sheoran, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Amardeep Sheoran, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.191 dated
06.07.2023 under Sections 376 & 506 of the Indian Penal Code, 1860 (for
short 'IPC'), registered at Police Station City Jhajjar, District Jhajjar
(Annexure P-1) along with all subsequent proceedings arising therefrom on
the basis of compromise dated 23.11.2024 (Annexure P-2).

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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.191 dated 06.07.2023 under Sections 376/506 of IPC registered at Police Station City Jhajjar, District Jhajjar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 23.11.2024 (Annexure P-2).

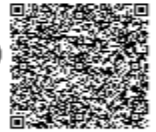
Notice of motion for 17.12.2024.

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. Ritu Singh, Advocate accepts notice for respondent No.2 and files her power of attorney and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

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,

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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.

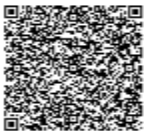
A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

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. The Hon’ble Supreme Court in ***Kapil Gupta Vs. State of N.C.T. of Delhi and another, 2022 (4) RCR (Crl.) 497***, quashed the FIR under Section 376 of IPC (now Section 64 of Bharatiya Nyaya Sanhita, 2023) on the basis of compromise. Further, reliance is placed upon a judgment of this Court in ***Karan Sharma Vs. State of Haryana and another, 2021(1) Law Herald 149***, wherein it is held that once the parties have compromised the matter and decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

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***

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of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63, Full Bench of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052, Kapil Gupta’s case (supra)* and *Karan Sharma’s case (supra)*, this petition is allowed and FIR No.191 dated 06.07.2023 under Sections 376 & 506 of IPC, registered at Police Station City Jhajjar, District Jhajjar and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

17.12.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

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