



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

299

CRM-M-821-2024 (O&M)
Date of decision: 06.08.2024

GAURAV SHARMA

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Tarurag Gaur, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

Mr. Parijat Gaur, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.608 dated 07.08.2023 registered at Police Station Surajkund, District Faridabad under Sections 376 (2)(n) and 506 IPC (Annexure P-1), on the basis of compromise deed dated 18.12.2023 (Annexure P-2) executed between the parties.

[2] Status report by way of an affidavit of Vishnu Parshad, HPS, Assistant Commissioner of Police, NIT, Faridabad along with copy of MLR of prosecutrix (Annexure R-1), statement of prosecutrix under Section 164 Cr.P.C. (Annexure R-2), statement of prosecutrix (Annexure R-3), statement of mother of the prosecutrix (Annexure R-4), custody certificate of petitioner (Annexure R-5),



statement of Pradhan of Pracheen Guga Marhi, Ram Krishana Mandir, Chandigarh (Annexure R-6) and date of birth certificate of prosecutrix (Annexure R-7) filed on behalf of the respondent-State are taken on record.

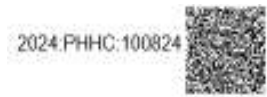
[3] Learned counsel for the petitioner *inter alia* contends that the FIR was registered due to misunderstanding between the parties. He further contends that the matter has been settled between the parties and compromise deed dated 18.12.2023 (Annexure P-2) has been executed between them. As such, respondent No.2 does not want to take any action in the FIR.

[4] Learned counsel for respondent No.2 confirms about the factum of compromise between the parties.

[5] Learned State counsel has not raised any objection regarding the acceptance of the present petition. He has informed that out of total 14 prosecution witnesses, 2 witnesses have been examined. The case is at the initial stage. He has further informed that the prosecutrix was major at the time of the alleged occurrence and her date of birth is 15.03.1999 as per her birth certificate (Annexure R-7). Even in the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure R-2), her age has been recorded as 24 years.

[6] On 01.02.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[7] As per the report dated 28.02.2024 received from Additional District and Sessions Judge, Faridabad forwarded through the office of District and Sessions Judge, Faridabad, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner and the prosecutrix have got married to each other on 17.12.2023 and they are living



peacefully with each other after their matrimonial ties. There is no history of any other case against the petitioner. The petitioner has not been declared as ‘Proclaimed Offender’.

[8] Keeping in view the fact that the compromise between the parties is genuine and voluntarily made and in view of the ratio of the decision of Hon'ble Apex Court in Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543 and the decision of Hon'ble the Full Bench of this Court in Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

[9] Consequently, this petition is allowed and FIR No.608 dated 07.08.2023 registered at Police Station Surajkund, District Faridabad under Sections 376 (2)(n) and 506 IPC (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] However, the 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 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

06.08.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No