



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

331

CRM-M-1488-2024 (O&M)
Date of decision: 25.07.2024

NISHANT

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Rajat Singh, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

Mr. Tarun Kumar, 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.283 dated 31.10.2023, under Sections 323, 354, 506 IPC (Section 376 IPC added later on) registered at Police Station Manesar, District Gurugram (Annexure P-1), on the basis of compromise deed dated 20.12.2023 (Annexure P-2) executed between the parties.

[2] On 16.04.2024, this Court passed the following order:

‘2. Learned counsel for the petitioner inter alia contends that initially, the FIR was registered on 31.10.2023, under Sections 323, 354, 506 IPC. No allegations of sexual assault were levelled in the FIR (Annexure P-1) and even the medico-legal examination of the prosecutrix was conducted. However, respondent No.2-complainant improved her version in her statement recorded under Section 164 Cr.P.C.



and offence under Section 376 IPC was added. The FIR was registered in the heat of the moment due to some misunderstanding, however, the matter has now been amicably settled and compromise deed dated 20.12.2023 (Annexure P-2) has been duly executed between the parties and signed by them. The petitioner is a student of Amity University and he has a bright future. The pendency of the present case would be a hindrance to his further education. It is further contended that respondent No.2 is the aunt (Chachi) of the petitioner and she is having two children. The FIR was registered due to some internal family dispute.

3. Notice of motion.

4. On the asking of the Court, Ms. Mayuri Lakhanpal Kalia, DAG, Haryana, accepts notice on behalf of respondent No.1-State.

4.1 As per the status report dated 10.02.2024, filed by way of affidavit of Sh. Surender Sheoran, HPS, Assistant Commissioner of Police, Manesar, on behalf of respondent No.1-State of Haryana, it has been confirmed that after registration of the FIR, medico-legal examination of respondent No.2-complainant was conducted on 01.11.2023 (Annexure R-2). However, after recording the statement of the prosecutrix under Section 164 Cr.P.C. on 02.11.2023 (Annexure R-1), Section 376 IPC was added in the present case and medico-legal examination of the prosecutrix was conducted again on 02.11.2023 (Annexure R-3). As per the FSL Report dated 05.01.2024, received from the Regional Forensic Science Laboratory, Bhondsi, Gurugram (Annexure R-4), semen could not be detected in the vaginal and cervical swabs of the prosecutrix.

5. Mr. Ankit Chaudhary, Advocate, accepts notice on behalf of respondent No.2 and confirms about factum of compromise between the parties. He seeks time to file his power of attorney in the Registry.

6. Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

7. Adjourned to 04.07.2024.

8. Both the parties shall assist the Court as to whether the petition for quashing of the FIR is maintainable.

9. In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate on or before 15.05.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing.'

[3] Learned counsel for respondent No.2 has confirmed the factum of compromise between the parties.

[4] Learned State counsel has not raised any objection regarding the



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acceptance of the present petition.

[5] On 16.04.2024, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[6] As per the report dated 24.05.2024 received from Judicial Magistrate 1st Class, Gurugram forwarded through the office of District and Sessions Judge, Gurugram, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as proclaimed offender. As per the statement of concerned Investigating Officer-ASI Rekha, the FIR No.283 dated 31.10.2023 under Sections 323, 354, 506 IPC was registered against the accused and after the statement under Section 164 Cr.P.C. of the complainant, Section 376 IPC was added.

[7] 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.

[8] Consequently, this petition is allowed subject to deposit of costs Rs.10,000/- by the petitioner in the District Legal Services Authority, Gurugram. FIR No.283 dated 31.10.2023, under Sections 323, 354, 506 IPC (Section 376 IPC added later on) registered at Police Station Manesar, District Gurugram (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.



[9] 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

25.07.2024
P.Bhatt

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