



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

Sr. No.269

CRM-M-2462-2025(O&M)

Date of decision : 06.02.2025

VIRENDRA KUMAR

..... Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

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

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Viren Nehra, Advocate and
Mr. Vipin Choudhary, Advocate
for respondent No.2.

KIRTI SINGH, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.125 dated 05.03.2024, under Sections 376(2) (n) and 506 IPC registered at Police Station Sector-8, Faridabad and all other consequential proceedings arising therefrom on the basis of the compromise.

2. Learned counsel for the petitioner relies upon a judgment of the Hon'ble Supreme Court in Kapil Gupta Vs. State of N.C.T. of Delhi and another, 2022 (4) RCR (CrI.) 497, to contend that FIR under Section 376 of IPC (now Section 64 of Bharatiya Nyaya Sanhita, 2023) can be quashed on the basis of compromise. Learned counsel has further relied upon a judgment of this Court in Karan Sharma Vs. State of Haryana and another, 2021(1) Law Herald 149 and contends 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.



3. Heard learned counsel for the parties and also gone through the case file.

4. This Court while directing the parties to appear before the Area Magistrate/Trial Court for recording their statements with regard to the compromise, passed the following order on 17.01.2025:-

“Prayer in this petition filed under Section 528 of BNSS is for quashing of FIR No.125 dated 05.03.2024, under Sections 376(2)(n) and 506 of IPC, registered at Police Station Sector-8, Faridabad, along with all the subsequent proceedings arising therefrom, on the basis of compromise.

2. *Learned counsel for the petitioner submits that the petitioner and the complainant/respondent No.2 were in a consensual relationship for two years prior to the registration of the FIR. However, the relationship subsequently turned sour, leading to the registration of the present complaint. He further submits that the matter has now been amicably resolved between the parties, and a compromise deeds (Annexures P-2 and P-3) have been placed on record. Reliance has been placed upon the decision passed by Hon’ble Supreme Court in **Gian Singh Vs. State of Punjab and another, 2012(4) RCR (Criminal) 543** and **Madan Mohan Abbot Vs. State of Punjab 2008(2) RCR (Criminal) 429** and decision passed by Coordinate Bench of this Court in case titled as **“Sukhchian Singh and others vs. State of Punjab & Ors.”, 2021(4) RCR (Cr.) 81.***

3. *Notice of motion.*

4. *Upon advance notice, Ms. Mahima Yaspal, DAG, Haryana accepts notice on behalf of respondent No.1/State and Mr. Viren Nehra, Advocate and Mr. Vipin Choudhary has put in appearance on behalf of respondent No.2 and files his Vakalatnama in Court, which is taken on record. He has admitted the factum of compromise and supports the prayer made in the petition.*

5. *In view of the above, the parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on **22.01.2025** or on any day thereafter as fixed by the Trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-*

1. *The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*

2. *The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*

3. *The stage of trial/proceedings;*

4. *If the compromise is genuine, voluntary and out of free will of the parties.*

5. *Whether any other criminal case is pending against the accused.*

6. *Report of the Area Magistrate/Trial Court be awaited for 06.02.2025.”*

5. Pursuant to the aforesaid order, report dated 22.01.2025 has been received from the Judicial Magistrate First Class, Faridabad. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is



quashed. The compromise effected between them is genuine, without any undue influence and coercion.

6. The Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the view that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

7. Hon'ble the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543***, had observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment reads thus:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code.

Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.

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8. In view of the compromise, 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 (Cr1.) 1052 and perusing the report of the trial Court regarding amicable settlement between the petitioners and the complainant, this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

9. Resultantly, the present petition is allowed and FIR No.125 dated 05.03.2024, under Sections 376(2)(n) and 506 IPC registered at Police Station Sector-8, Faridabad and all other consequential proceedings are quashed qua the petitioner on the basis of the compromise, **subject to payment of Rs.20,000/- to be deposited in the Poor Patient Welfare Fund, PGIMER, Chandigarh within a period of one month.**

10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

06.02.2025

Kavita
Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No