



CRM-M-24101-2025

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

**CRM-M-24101-2025
Date of Decision: 06.05.2025**

Sanjeev Kumar Kamat

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. V.K. Gupta, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS for quashing of FIR No.314, dated 16.07.2023, under Section 376/506 IPC , registered at Police Station Badshahpur, District Gurugram along with the subsequent proceedings arising therefrom on the basis of the compromise arrived at between the parties vide Annexure P-2.

2. The FIR which has been so annexed as Annexure P-1 is reproduced as under:-

*“Copy of FIR No.314 dated 16.07.2023, under sections
376/506 IPC, Police Station: Badshapur, Gurugram.*

*To, SHO Sahib, Police Station Badshapur, Gurugram, I
Sunita, wife of Ajay, resident of Barman Kalan, Tehsil Kareli,
District Narsinghpur, M.P. 487330, present residing as tenant
on address: R.R Colony, Sector 67, Street No. Main Bala Ji
Store Ke Pass, in the house of Tejpal MLA, Sanjeev Kumar
Kamat, son of Prabhu Lal Kamat, Village Bardaha, Ward 02,
Madhubani, Bihar, Pin. 847401 is friend of my husband. My*



husband and his friend Sanjeev used to sit together and drink alcohol and I started knowing Sanjeev because he was my husband's friend. For the last two and a half months, I used to cook food for him and used to bring food to his room as his room is near. Sanjeev also used to come to my room to eat food. The conversation started from the month of May. After drinking alcohol, Sanjeev forcefully did a wrong act with me at his rented house on 11.07.2023 at 12 o'clock in the night and said that if I tell anyone, I will kill you. I am getting this complaint written through my husband. All these statements were recorded in the presence of Meena Hooda Advocate 1629/2000, applicant Sunita 7029530160 DT 16.07.2023.”

3. Learned counsel for the petitioner submitted that after the FIR was registered alleging act of rape under Sections 376 & 506 IPC, the matter was investigated by the police and challan presented before the competent Court but now a compromise has been effected between the petitioner and respondent No.2 vide Annexure P-2 with the intervention of respectables of the society, *biradari* and relatives of both the parties and because the compromise has been effected the present FIR under Sections 376 & 506 IPC may be quashed.

4. I have heard the learned counsel for the petitioner.

5. It is a case where an FIR was registered under Sections 376 & 506 IPC and challan has already been presented before the competent Court. As per the compromise it only states that with the intervention of the respectables of the society/*biradari* the matter has been compromised. However, it does not state at all that respondent No.2 has denied the factum of allegation of rape. The law with regard to as to whether there can be a quashing of the FIR based upon compromise in the cases of rape or not is no longer *res integra*. Hon'ble Supreme Court in **State of Madhya Pradesh Vs. Laxmi Narayan and others**,”



2019(2) SCC (Criminal) 706, observed that in the matter of serious and heinous offence, there can be no compromise quashing. The relevant portion of the aforesaid judgment is reproduced as under:-

“15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1 that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2 such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3 similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4 offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as



crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5 while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are



private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc.”

6. Considering the aforesaid settled law and the facts and circumstances of the present case, the present petition is hereby dismissed.

06.05.2025

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No