



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

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CRM-M-46977-2025

Date of decision : 01.09.2025

Atul Gupta

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Manish Soni, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior D.A.G., Haryana.

Mr. Suresh Kumar Kaushik, Advocate for
Mr. Dharamvir Sharma, Advocate for respondent No.2.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case FIR No.110 dated 09.04.2025 registered under Sections 69, 115 & 351(2) of Bharatiya Nyaya Sanhita, 2023 at Police Station Sector 65, Gurugram.

2. Brief facts of the case are that on 09.04.2025, the victim made a complaint to the police with the allegations that in the year 2021, she met with Atul Gupta (the present petitioner) in a Gym of the society, who introduced himself as founder of Co-Fynd Company and gave a proposal to her for a job in his company and developed further friendship with her. One day in August/September, 2021, the petitioner called her at his house on the pretext of taking an interview for her job, where he forcibly established physical relations with her. When she

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started crying, the petitioner gave an I-pill to her and assured her for job. He also threatened her that if she will report the matter to anyone, he will viral her objectionable pictures in the society and send the same to her parents. Thereafter, in the last four years, the petitioner developed physical relations with her many times and also threatened her not to disclose about the same to anybody. Whenever she refused to establish physical relations with him, he gave beatings to her. On the basis of the said complaint, the instant FIR was registered.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that the petitioner and the complainant were in relationship from the year 2021 to April 2025 and in April 2025, they both discussed about getting married in August, 2025 and the petitioner visited the complainant's house seeking permission from her parents for marriage which caused an upset to the parents of the complainant, who objected to the marriage, particularly because the petitioner is a divorcee. Following the confrontation, the complainant's parents called the police and the petitioner was arrested and the instant FIR was registered. In support of his contention, learned counsel for the petitioner has placed on record photographs (Annexure P-2) to show that the relationship between the petitioner and complainant was consensual. He further submits that all the misunderstanding have been removed between the parties and Memorandum of Understanding dated 27.07.2025 (Annexure P-3) has been entered into between the parties and on the basis of the said MOU, CRM-M-40862-2025 (Atul Gupta



Vs. State of Haryana and another) has been filed by the petitioner seeking quashing of the FIR on the basis of compromise/MOU dated 27.07.2025. The said petition came up for hearing before this Court on 31.07.2025 and the following order as passed :-

“The petitioner has filed the present petition seeking quashing of FIR No.110 dated 09.04.2025, under Sections 69, 115, 351 (2) of BNS, Act, registered at Police Station Sector-65, District Gurugram and all other proceedings arising therefrom on the basis of the compromise/Memorandum of Understanding dated 22.07.2025 (Annexure P-2).

It is very strange case that the complainant lodged the present FIR by concealing material facts that the petitioner and the complainant were in a relationship and the complainant was well aware that the petitioner is married man and has a son from his first marriage and now after raising such serious allegation has entered into compromise.

Learned counsel for the petitioner submits that the petitioner is currently in custody and the compromise has been effected through his father.

Notice of motion.

On asking of the Court, Mr. Paras Talwar, Sr. DAG, Haryana, accepts notice on behalf of respondent No.1 and Mr. Dharamvir Sharma, Advocate, accepts notice on behalf of respondent No.2 and filed his vakalatnama, which is taken on record.

Learned counsel for respondent No.2 has not denied the factum of compromise effected between the parties.

Learned State counsel has pointed out that the next date fixed for producing the petitioner before the trial



Court is 08.08.2025 and the parties' statements may be recorded on the said date.

*In light of the above, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on **08.08.2025** or any other date, as the Court below may decide or fix, for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.*

The Illaqa Magistrate/Duty Magistrate shall send his report through learned Sessions Judge concerned on or before the date fixed before this Court.

Adjourned to 18.09.2025.

At this stage, learned counsel for the petitioner prays for liberty to move an application for the release of the petitioner in accordance with law. While this Court is not inclined to grant such relief at this stage, it is clarified that the petitioner shall be at liberty to avail appropriate remedy in accordance with law."

4. Learned counsel for the petitioner further referred to the statement of the complainant recorded before the Chief Judicial Magistrate on 08.08.2025, which reads as under :-

"Stated that I am the complainant in FIR No.110 dated 09.04.2025, under Sections 69, 115, 351(2) of BNS, Police Station Sector-65, Gurugram. In this case, a compromise has been effected between me and accused namely Atul Gupta which is genuine, voluntary and free



from coercion and undue influence. I do not want any further proceedings against the accused persons in this case. I have no objection if present FIR be quashed. I am giving this statement at my own free will. The copy of MOU has been appended as mark-A.:

5. He further submits that the petitioner is behind the bars since 09.04.2025 and is not involved in any other case. He also submits that investigation in the present case is complete; challan stands presented, however, charges are yet to be framed. The trial is likely to take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.

6. Per contra, learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that the allegations against the petitioner are serious in nature. However, she could not refute the factual position that challan has been presented, however, charges are yet to be framed. She has also filed custody certificate dated 29.08.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is behind the bars since more than last 04 months and he is not involved in any other case.

7. I have heard learned counsel for the parties and perused the record.

8. Keeping in view the custody period of the petitioner which is 04 months and 20 days and the facts that the compromise has been effected between the parties and the petition bearing No.CRM-M-40862-2025 has been filed by the petitioner for quashing of the FIR on the basis of the compromise/MOU in which, vide order dated



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31.07.2025, the parties were directed to appear before the Illaqa Magistrate/Duty Magistrate for recorded their statements qua compromise; challan has been presented; charges are yet to be framed; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. The petition stands disposed of accordingly.
10. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

01.09.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No