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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-60369-2024 (O&M)
Date of decision: 24.03.2025

MANOJ

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Ms. Rashima Sharma, Advocate for
Mr. Niharika Singh for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. K.S. Nagra, Advocate for
Mr. Sandeep Sharma, Advocate for respondent No.2.

KIRTI SINGH. J.(Oral)

1. Prayer in the instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.0261 dated 07.06.2023 registered under Sections 328, 354-A, 376(2)(n) and 560 IPC, at Police station Kalanaur, Rohtak and all the consequential proceedings arising therefrom on the basis of compromise dated 28.10.2024 (Annexure P-3) effected between the parties.

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 (Crl.) 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



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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 02.12.2024:-

“Prayer in the instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.0261 dated 07.06.2023 registered under Sections 328, 354-A, 376(2)(n) and 560 IPC, at Police station Kalanaur, Rohtak and all the consequential proceedings arising therefrom on the basis of compromise dated 28.10.2024 (Annexure P-3) effected between the parties.

Learned counsel for the petitioner, inter alia, submits that the petitioner was in a consensual relationship with the victim/complainant. It is submitted that the petitioner was previously married and due to matrimonial discord, he had filed a petition under Section 13 of the Hindu Marriage Act, 1955, before the learned Family Court, Rohtak, on 17.07.2020. It is further submitted that in the month of August, 2020, the petitioner met the victim/complainant, as has also been stated in the FIR and subsequently, a consensual relationship was developed between both of them. Thereafter, the relationship between the parties soured and accordingly, resulted in filing of the present FIR. Learned counsel for the petitioner contends that as per the contents of FIR, the first incident took place in the



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month of January, 2021 and last incident was in the month of February, 2022, however, the aforesaid FIR was lodged several months thereafter, i.e., on 07.06.2023, which itself shows that the relationship between the parties was consensual. Further, it is submitted that the petitioner has a medical condition, inasmuch as, he is suffering from seizure attacks. The petitioner is taking anti-seizure medication as he has Fibrosis in Brain. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 28.10.2024 (Annexure P-3), according to which, both the parties have agreed not to proceed further with the FIR in question.

At this stage, reference can be made to a latest judgment of the Hon'ble Apex Court in Prashant vs. State of NCT of Delhi:(SC): Law Finder Doc Id # 2665805 arising out of Special Leave Petition (Criminal) No. 2793 of 2024, decided on 20.11.2024, wherein it has been held that 'It is inconceivable that the complainant would continue to meet the appellant or maintain a prolonged association or physical relationship with him in the absence of voluntary consent on her part.' Notice of motion.

On the asking of Court, Ms. Ankita Ahuja, AAG Haryana accepts notice on behalf of respondent No.1-State; whereas Mr. Sandeep Kumar, Advocate, who is present in Court accepts notice on behalf of respondent No.2 and submits Power of Attorney, which is taken on record.

Learned counsel for respondent No.1-State as well as learned counsel for respondent No.2 have not disputed the aforesaid submissions made by learned counsel for the petitioner. The factum of compromise effected between the parties has not been disputed by learned counsel for the complainant/respondent No.2.

In view of the above, the parties are directed to appear before



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the trial Court/Illaqa Magistrate for recording their statements with regard to the compromise dated 28.10.2024 (Annexure P-3) on 13.12.2024 or any other date convenient to the learned trial Court/Illaqa Magistrate, by moving an appropriate application or by presenting this order. The trial Court/Illaqa Magistrate is directed to submit the report on or before the next date of hearing i.e. 24.03.2025 containing the following information:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

A copy of the report be sent through FAX, to the Registrar (Judicial) of this Court.”

5. Pursuant to the aforesaid order, report dated 04.01.2025 has been received from the Additional District and Sessions Judge, Rohtak. 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.***



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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.

xxx xxx xxx. ”

8. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioner(s) 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.0261 dated 07.06.2023 registered under Sections 328, 354-A, 376(2)(n) and 560 IPC, at Police station Kalanaur, Rohtak and all other consequential proceedings are quashed qua the petitioner(s) on the basis of the compromise dated 28.10.2024 (Annexure P-3), 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.

24.03.2025		(KIRTI SINGH)
amandeep		JUDGE
	Whether speaking/reasoned.	: Yes/No
	Whether Reportable.	: Yes/No