



112

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

CRM-M-72238-2025 (O&M)

Date of decision: 08.05.2026

DIVEN AND OTHERS**...PETITIONERS****VERSUS****STATE OF HARYANA AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Devesh Kumar, Advocate
for the petitioners.
(through VC).

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Kartik Aggarwal, Advocate
for respondent No.2.
(through VC).

SHALINI SINGH NAGPAL J.

1. Petitioners seek quashing of FIR No. 220 dated 06.08.2025 under Sections 69, 115(2) and 351(3) Bharatiya Nyaya Sanhita, 2023, Police Station DLF Phase-III, Gurugram and all subsequent proceedings arising therefrom on the basis of compromise dated 12.11.2025.

2. Complainant 'K' alleged that she was working in a Mall and also had a child. Diven was also working in the same Mall and expressed desire to marry her. He introduced her to Jasoda and Jiten as his mother and brother respectively, who assured that they would get her married to Diven if she worked and brought salary to their house. Diven started visiting her rented house, promised to marry her, applied *sindoor* on her head and had physical relations with her many times. He kept her at Manish's house for 1½ month,

later took her to Amit Bhanu Bhasker's house and many other places. He made her stay in hotels but did not take her to his house. Despite her refusal, he made physical relations with her. Jasoda kept taking her salary for 1 year but did not arrange her marriage. On the second day of Bakra Eid, Diven went to her rented house and insisted for physical relations, tore her T-shirt and upon her refusal, gave her beatings. He broke her phone and assaulted her upon which people from locality also gathered and he left abusing her. When she told Amit Bhanu Bhaskar, Akhilesh, Diven's maternal uncle and sister, they threatened to kill her and her child and asked her to keep quite. Now, they were getting Diven married to someone else.

3. On 09.04.2026, this Court directed the parties to appear before learned trial Court/Illaqa Magistrate for recording of their statements on the basis of compromise.

4. In compliance of the aforesaid order, parties appeared before learned Additional Sessions Judge, Gurugram on 22.04.2026. Statement of Investigating Officer L/ASI Geeta was recorded on 02.05.2026. Learned Additional Sessions Judge, Gurugram has submitted his report recording satisfaction that all the parties have entered into a valid compromise without any influence or coercion. Point-wise report as under has been submitted:

“As per the order dated 09.04.2026 of the Hon'ble High Court of Punjab and Haryana at Chandigarh, on 22.04.2026, Diven, Jiten, Jasoda and Amit, petitioners before the Hon'ble High Court and the prosecutrix, respondent no.2 before the Hon'ble High Court and who is the only injured/aggrieved person in the present case, came present before undersigned and their statements have been recorded separately. In their respective

statements, both the parties have stated that they have compromised the matter out of their free will, voluntarily, without any pressure or undue influence and the compromise in question is genuine and not result of any fraud or misrepresentation. The parties have also placed on record their compromise Ex. C2.

It is further submitted that the Investigating Officer of this case has also come present and her statement has also been separately recorded. It is further submitted that as per the statement of the Investigating Officer, during investigation no additional accused has been added whereas during the course of investigation, only the accused Diven was found involved in the alleged commission of crime and remaining accused were found innocent and thus, their names were deleted from the array of accused. It is further submitted that as per the statement of Investigating Officer, after the registration of FIR, neither any section has been added nor deleted. It is further submitted that in the present proceedings, no accused has been declared as absconder/proclaimed person. It is further submitted that in the present case, the investigation has already been completed and challan has already been filed and at present, trial is pending at the stage of recording of prosecution evidence and is fixed for 22.07.2026. It is further submitted that all the above-stated Diven, Jiten, Jasoda and Amit have also filed their separate affidavit and in their respective affidavit Jiten, Jasoda and Amit have submitted that no other criminal case is pending against them. However, as per the affidavit of Diven, one another criminal case bearing FIR

No. 679 dated 27.06.2016, under Sections 379 & 411 of Indian Penal Code, 1860, registered at Police Station Sadar, Gurugram, is pending against him.

It is further submitted that from the statement of the parties and their separate affidavits, it is very much clear that the parties have compromised the matter genuinely, voluntarily, out of their free will and without any pressure.”

5. Reply by way of affidavit of Assistant Commissioner of Police, DLF, Gurugram has been filed by State of Haryana, which is taken on record. Learned State counsel and learned counsel for respondent No.2 have not raised any dispute regarding the factum of compromise.

6. Apparently, dispute between prosecutrix and petitioners has been amicably resolved. In '**Madhukar and others vs. The State of Maharashtra and another**', 2025 LiveLaw (SC)710, Hon'ble Supreme Court of India, recognizing that offence under 376 of the Indian Penal Code is of a grave and heinous nature, observed that the power of Court under Section 482 Cr.P.C. to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case. In that case, the complainant expressed desire not to pursue the case on the ground that she was now married, settled in personal life and continuing with the criminal proceedings would only disturb her peace and stability. Hon'ble Supreme Court observed that the parties had amicably resolved their differences and arrived at mutual understanding and continuation of trial would not serve any meaningful purpose, rather would only prolong distress

for all concerned specially the complainant and burden the Court without the likelihood of productive outcome.

7. In the present case as well, the parties have resolved their disputes amicably and should be saved from the agony of criminal trial. The continuance of criminal trial would only add to the sufferings of the parties and would be an exercise in futility.

8. Following the principles of law laid down by Hon’ble Supreme Court in '*Madhukar and others vs. The State of Maharashtra and another*', 2025 *LiveLaw* (SC)710, it is a fit case warranting exercise of discretion under Section 528 Bharatiya Nagrik Suraksha Sanhita, 2023.

9. The petition stands allowed. FIR No. 220 dated 06.08.2025 under Sections 69, 115(2) and 351(3) Bharatiya Nyaya Sanhita, 2023, Police Station DLF Phase-III, Gurugram and all subsequent proceedings arising therefrom, are quashed qua the petitioners, on the basis of compromise.

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

08.05.2026
Sumit Singla

(SHALINI SINGH NAGPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No