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

CRM-M-41310-2022(O&amp;M)

Date of Decision : 06.05.2025

DEVENDER JAIN

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. H.S.Randhawa, Advocate and  
Mr. Udaiveer Singh Sidhu, Advocate for  
Mr. Preetinder Singh Ahluwalia, Advocate  
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Vishal Chaudhary, Advocate for respondent No.2.

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**KIRTI SINGH, J.(Oral)****CRM-42100-2024**

This is an application for placing on record the memorandum of understanding dated 29.09.2024 as Annexure P-16.

2. Heard. For the reasons mentioned in the application, the same is allowed and Annexure P-16 is taken on record subject to all just exceptions.

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Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.80, dated 15.03.2019, under Sections 376(2)(n), 180 and 506 IPC, registered at Police Station Sushant Lok, Gurugram, alongwith all consequential proceedings emanating therefrom.

2. Learned counsel for the petitioner submits that both the petitioner and the prosecutrix are mature and well educated adults who were in a consensual relationship since February 2018. However, due to differences, their relationship



deteriorated, which subsequently led to the registration of the present FIR by respondent No.2 alleging that the petitioner had established forceful physical relations with her on the false pretext of marriage. It is contended that the relationship was consensual and no such false promise was made at the inception, and therefore, the ingredients of Section 376 IPC are not made out. In this regard, learned counsel placed reliance on the judgment passed by the Hon'ble Supreme Court in ***Mahesh Damu Khare vs. State of Maharashtra and another*** 2024 SCC ***OnLine SC 3471***. It is the further submission that during the pendency of this petition, the parties have amicably settled the matter through a Memorandum of Understanding dated 29.09.2024 (Annexure P-16), and it is prayed that the instant FIR be quashed in view of the said settlement, for which, reference has been made to the judgment of the Hon'ble Apex Court in ***"Kapil Gupta Vs. State of N.C.T. of Delhi and another"***, 2022 (4) RCR (Crl.) 497.

3. Learned counsel for respondent No.2 has also admitted the factum of compromise effected between the parties and submits that there would be no objection in case the present FIR is quashed on the basis of the Memorandum of Understanding dated 29.09.2024 executed between the parties.

4. Per contra learned State counsel opposes the prayer and submits that in view of the serious allegations levelled against the petitioner, he does not deserve any kind indulgence by this Court.

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

6. This Court vide order dated 11.12.2024, directed the parties to appear before the Area Magistrate/trial Court for recording their statements with regard to the compromise, pursuant to which, report dated 24.01.2025 has been received



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from the Additional Chief Judicial Magistrate, Gurugram. 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.

7. Reverting to the case in hand, prima facie no evidence is present that could substantiate the allegation of false promise of marriage. Moreover, now the matter stands amicably settled between the parties. No doubt the allegations levelled against the petitioner are serious, however after perusing the report of the trial Court regarding amicable settlement between the petitioner and respondent No.2, 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. No useful purpose would be served in continuing the proceedings and therefore, in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

8. Resultantly, the present petition is allowed and FIR No.80, dated 15.03.2019, registered under Sections 376(2)(n), 180 and 506 of IPC registered at Police Station Sushant Lok, District Gurugram and all other consequential proceedings arising therefrom are quashed qua petitioner on the basis of compromise ***subject to the costs of Rs. 20,000/- to be deposited in the Poor Patient Welfare Fund, PGIMER, Chandigarh within one month.***

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

**06.05.2025**

Kavita Nain

**(KIRTI SINGH)  
JUDGE**

*Whether speaking/reasoned? Yes/No*  
*Whether reportable? Yes/No*