

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-19826 of 2015
Date of decision : September 14, 2015

Rakesh Kumar @ Lali

....Petitioner

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rishu Mahajan, Advocate, for the petitioner
Mr. J.S.Brar, AAG, Punjab
Respondent no. 2-Sania in person

Fateh Deep Singh, J. (Oral)

Report dated 24.6.2015 of learned Judicial Magistrate Ist Class (Duty), Amritsar has been received after recording statements of accused Rakesh Kumar @ Lali as well as complainant Sania and the learned court has shown its satisfaction that the compromise is an outcome of voluntariness, free will and without any coercion or undue pressure and that the couple has now been married for more than three months and to the very question of this Court, the girl has shown her satisfaction over this marriage and the boy has assured this Court that he will carry on with this relationship as husband and shall not back out of it. Keeping in view that although the offence of section 376 IPC is of heinous nature but in the totality of the circumstances that the couple had resolved the same and has started living together and would be in the betterment of their future lives. In view of these exceptional circumstances and to prevent any undue hardship at this juncture and in view of the law laid down in **Gian Singh vs**

State of Punjab and another, 2012 (4) RCR (Criminal) 543 and Kulwinder Singh and others vs State of Punjab and another, 2007(3) RCR (Criminal) 1052 and in view of which the prayer made in the petition is allowed, proceedings by way of FIR No. 152 dated 13.12.2014 registered at Police Station Islamabad, Amritsar under sections 376 IPC and all consequences arising thereof are quashed qua the present petitioner.

The petition stands allowed in those terms.

September 14, 2015
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(Fateh Deep Singh)
Judge