

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

CRM-M-30979 of 2015 (O&M)

Decided on: 30.9.2015.

Baldev Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Ravinder Singh Bassi, Advocate,
for the petitioners.

JITENDRA CHAUHAN.J.

The present petition has been filed under Section 482 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking quashing of FIR No.213 dated 4.11.2009, registered under Sections 376, 323, 324 read with Section 34 of the Indian Penal Code, (for short, 'the IPC') at Police Station Samrala, District Ludhiana on the basis of compromise Annexure P-2.

As per FIR, the complainant was married to Baldev Singh son of petitioners No.2 and 3. It is alleged that she was married about three years ago. After sometime of the marriage, the petitioners started administering beatings to the complainant. It is proposed by the petitioner No.2 that in case, she is not loved by petitioner No.1, the son, he is there to meet out all the needs of the complainant. The petitioner No.2, father-in-law tried to impress the complainant and had sex with the complainant. However, the complainant did not share the incident

with anyone. The petitioner No.2 again forcibly had sex with the complainant a month after the first incident. The complainant was threatened that she will be eliminated, in case she discloses the incident. The complainant, out of fear, did not disclose the same. The petitioner No.1, the husband also threatened the complainant in case any action is taken by the complainant against his father, the petitioner No.2, he will divorce her. The petitioner No.1 gave a danda blow on the head of the complainant. The petitioners No.2 and 3 also caused injuries on the person of the complainant. In the meantime, the brother of the complainant Balbir Singh and her mother Jaspal Kaur reached the spot and admitted the complainant in the Civil Hospital.

Learned counsel for the petitioners contends that compromise (Annexure P-2) has been entered into between the parties. The matter has been settled between the parties once for all. The parties have decided to part ways. On the strength of Annexure P-2, he contends that the FIR in question be quashed.

This Court is of the opinion that this is not a simple matrimonial dispute. Allegations of rape have been levelled against petitioner No.2 father-in-law. The complainant was raped twice. In the considered opinion of this Court, the allegations against the petitioners are serious in nature. Though, compromise has been reached between the parties, however, in the face of allegations of repeated rape, the Court is not inclined to exercise its inherent jurisdiction. It is to be

noticed that the complainant remained under the fear of the petitioners after she was raped for the first time till she mustered strength after she was raped again by the petitioner No.2. In the circumstances, the veracity that the compromise is voluntary in nature is yet to be tested. Otherwise also, in view of the gravity of the offence, no case for quashing of the FIR on the basis of compromise is made out. The compromise entered between the parties is approved by the Court wherein it advances the cause of justice and is in the larger interest of the society. This Court feels that interest of justice would be better served, in case the prayer made by the petitioners for quashing the FIR is declined. Consequently, the petition is dismissed.

30.9.2015.
SN

(JITENDRA CHAUHAN)
JUDGE