

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

**CRM No. M-10427 of 2016 (O&M)
Date of decision: 04.11.2016**

Fateh Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vaibhav Narang, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

Ms. Arti Kaur, Advocate,
for complainant-respondent No.2.

Ritu Bahri, J.

Quashing of FIR No. 307 dated 19.10.2014, under Sections 354/506/376/511/120-B IPC, registered at Police Station, Jandiala, District Amritsar (Annexure P-1) is sought on the basis of compromise/affidavit dated 01.03.2016 (Annexure P-3).

The F.I.R was registered on the basis of statement made by Simarjit Kaur-respondent No.2 to the effect that her marriage was solemnized with Jarman Singh, son of the petitioner, on 19.02.2014. Her husband is working in the Army and is posted at Jalandhar. On 18.10.2014, her mother-in-law Gurmeet Kaur and brother-in-law (*devar*) Harman Singh had gone to meet their relatives. On 19.10.2014, at about 4.15 P.M., when she was sleeping, her father-in-law namely Fateh Singh-petitioner entered her room and tried to do obscene acts with her. She tried to raise noise, but he (petitioner) gagged her mouth with his *parna* and threatened to kill her in case she raised a noise. Thereafter, he forcibly removed her clothes and tried

to commit rape upon her. In this background, the FIR was registered.

This Court, while disposing of CRM-M-12147-2016 had quashed FIR No.175 dated 26.12.2014, under Sections 406, 498-A read with Section 34 IPC, registered at Police Station, Majitha, District Amritsar Rural, on the basis of compromise dated 01.03.2016.

Learned counsel for the petitioner has stated that in fact, the present FIR has been registered in the backdrop of matrimonial dispute between the complainant and her husband-Jarman Singh, who is son of the petitioner. After registration of the present FIR, challan had been presented and the trial Court, vide judgment dated 05.10.2015 (Annexure P-2), convicted and sentenced the petitioner under Section 376 read with Section 511 IPC, whereas other family members of the petitioner namely Jarman Singh, Harmanjeet Singh and Gurmeet Kaur have been acquitted. Feeling aggrieved by the said judgment, the petitioner filed an appeal, which is pending before this Court for adjudication.

During the pendency of appeal, with the intervention of respectable persons, the matter has been compromised between the parties. In this regard, complainant-respondent No.2 gave her affidavit dated 01.03.2016 (Annexure P-3).

In compliance with the order dated 26.08.2016 passed by this Court, parties got recorded their statements before the trial Court. Report from the Judicial Magistrate, Ist Class, Amritsar, has been received in this regard. As per report, Simarjit Kaur-respondent No.2 (complainant) made her statement on 06.09.2016 to the effect that with the intervention of respectable persons, she has compromised the matter with accused-Fateh Singh (petitioner) at her own free will and without any coercion or pressure.

She has no objection if, the above said FIR is quashed. Separate statement of Fateh Singh-petitioner was also recorded to the same effect. In view of separate statements given by the parties, the court is satisfied that the compromise is valid and genuine one.

Consequently, in view of the status report and the judgment of the Hon'ble Supreme Court in the case of Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429, the law laid down by the Full Bench of this Court in the case of Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 307 dated 19.10.2014, under Sections 354/506/376/511/120-B IPC, registered at Police Station, Jandiala, District Amritsar, is quashed with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

04.11.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No