

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

**Crl. Misc. No. M-20109 of 2016
Date of decision : 03.10.2016**

RobinPetitioner
versus

State of Punjab and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. D.K. Bhatti, Advocate and
Mr. Mohit Garg, Advocate
for the petitioner

Mr. A.P.S. Gill, A.A.G. Punjab

RITU BAHRI, J. (Oral)

Quashing of FIR No. 248 dated 21.12.2015 under Sections 376
IPC, registered at Police Station Laddowal, district Ludhiana, is being
sought on the basis of compromise deed/affidavit dated 17.05.2016
(Annexure P-3).

The fact which is not in dispute that both complainant and
petitioner were in love with each other and complainant was eager to get
married. At the time of incident, she was major, as per her birth registration
certification dated 05.02.1997 (P-1). The allegation against the petitioner
that she committed rape upon the complainant, when she was at Ludhiana to
attend the marriage of her friend.

However, the matter has now been duly compromised, vide
compromise deed/affidavit dated 17.05.2016 (Annexure P-3).

In compliance of order dated 09.08.2016, report dated
26.09.2016 of Judicial Magistrate 1st Class, Ludhiana, has been received in
this regard. As per report, statement of parties have been recorded.

Complainant stated that the matter stands compromised between the parties and she does not want to proceed further against the accused and has no objection, if the present F.I.R be quashed against the petitioners. The compromise has been entered voluntarily. To the same effect is the statements given by the petitioners.

As per statement of the complainant, she wants to marry with the accused. It is a case where the complainant was in love with the petitioner and was major at the time of incident but the petitioner who was studying at that time, was not ready to marry with the complainant and that is why the present F.I.R has been registered against the petitioner just to pressurize him to marry with the complainant. Some better sense prevailed between the parties and quashing of F.I.R will save the life of both the parties as both are young. The relationship which created between the petitioner and the complainant was with due consent of the complainant and that does not fall within the ambit of Section 376 IPC.

Consequently, in view of the status report dated 26.09.2016 and in view of the judgment of the Hon'ble Supreme Court in the case of ***Dr. Arvind Barsaul etc. versus State of Madhya Pradesh and another 2008(2) RCR (Criminal) 910***, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 248 dated 21.12.2015 under Sections 376 IPC, registered at Police Station Laddowal, District Ludhiana, is quashed along with all consequential proceedings arising therefrom qua petitioners.

The petition stands disposed of.

03.10.2016
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No

GAURAV ARORA
2016.10.18 09:53
I attest to the accuracy and
integrity of this document