

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

**CRM No. M-24367 of 2016
Date of decision: 20.09.2016**

Babbu Nazir

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vinod K. Kaushal, Advocate,
for the petitioner.

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

Mr. Prashant Vashishth, Advocate,
for respondent No.2.

Ritu Bahri, J.

Quashing of FIR No. 143 dated 27.04.2016, under Section 376 IPC, registered at Police Station, A Division, Amritsar City, District Amritsar (Annexure P-1) is sought on the basis of compromise dated 29.06.2016 (Annexure P-2).

The F.I.R was registered on the basis of statement made by Radhika-respondent No.2 to the effect that in the month of January, 2016, she had contacted Babbu Nazir-petitioner through Whats App and during conversation, he (Babbu Nazir) had promised her to provide a job in modeling from where, she could get a salary of Rs.30,000/- per month. When she visited his office, he did not provide her any job. Rather, he used to send her for dancing in the marriages. Thereafter, she used to reside in his

office. After some time, he allured her on the pretext of marriage and thereafter, raped her in his office without her consent. In this background, the FIR was registered.

During the pendency of the investigation, with the intervention of respectable persons, the matter has now been amicably resolved between respondent No.2-complainant and the petitioner vide compromise deed dated 29.06.2016 (Annexure P-2). A perusal of this compromise shows that victim-Radhika alias Hero Devi was working with the present petitioner. Due to misunderstanding the present case has been got registered by her against the petitioner. Now, the matter has been resolved and an amount of RS.40,000/- has been given to the complainant on account of employee payment. Affidavit of complainant, in this regard, has been annexed as Annexure P-3, wherein she has stated that she does not want to pursue with the aforesaid criminal case.

Learned State counsel, on instructions from ASI Malkiat Singh, has informed the Court that in fact, the complainant was working with the petitioner. A money dispute had arisen between them, due to which, the present FIR was got registered by her. Now the money dispute has been amicably resolved.

In compliance with the order dated 21.07.2016 passed by this Court, the parties got recorded their statements before the Illaqa Magistrate. Report from the Judicial Magistrate Ist Class, Amritsar, has been received in this regard. As per report, Radhika @ Heero Devi-respondent No.2 (complainant) made her statement on 05.08.2016 to the effect that with the intervention of respectable persons, she has compromised the matter with Babbu Nazir-petitioner at her own will and without any coercion or pressure as per compromise Ex.PX. She has no objection if, the above said FIR is

quashed. Statement of Babbu Nazir-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. 143 dated 27.04.2016, under Section 376 IPC, registered at Police Station, A Division, Amritsar City, District Amritsar, is quashed with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

20.09.2016
ajp

(RITU BAHRI)
JUDGE

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