

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29294 of 2016
Date of Decision: 20.10.2016

Deepak @ Deepak Masih

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.B.S.Randhawa, Advocate for the petitioner.

Mr.J.S.Riar, AAG Punjab.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.35 dated 14.05.2016, for the offence under Sections 376/342/34 IPC registered at Police Station Shri Hargobindpur, Distt. Batala, along with all consequential proceedings arising therefrom, on the basis of compromise dated 17.08.2016 (Annexure P-2).

It was alleged by the complainant that she was kidnapped by the friends of the petitioner i.e. Tona S/o Jackky and Denny S/o Shammu Masih and thereafter, petitioner had committed rape upon her at Village Bahadurpur Rajowa and fled from the spot. On this background, the FIR was registered.

During the pendency of the trial, the matter has been resolved between the petitioners and respondent No.2-Anita, vide compromise deed dated 17.08.2016 (Annexure P-2).

In compliance with the order dated 24.08.2016 passed by this

Report from the JMIC, Batala, has been received in this regard. As per report, Anita-complainant and accused-petitioner appeared before the trial Court on 22.09.2016 for getting their statements recorded in support of the compromise. In this regard statements of complainant-Anita and accused-petitioner were recorded to the effect that they have compromised the matter and Anita-complainant has no grudge against the accused persons and she has no objection if the present FIR is quashed against the accused persons. Statements of accused-petitioner were also recorded to the same effect. In view of separate statements of 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 others 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.35 dated 14.05.2016, for the offence under Sections 376/342/34 IPC registered at Police Station Shri Hargobindpur, Distt. Batala, is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

20.10.2016

anil

Whether speaking yes/no
Whether reportable yes/no