

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11563-2017

Date of Decision:- 18.05.2017

Surmukh Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Kunal Dawar, Advocate
for the petitioner.**

Mr. APS Gill, AAG, Punjab.

**Mr. Rahul Vats, Advocate
for respondent No.2.**

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.192 dated 13.11.2015, under Sections 376, 511, 342 and 451 IPC, registered at Police Station Morinda, District Rupnagar, on the basis of compromise dated 01.03.2017 (Annexure P-2).

Brief facts of the case are that on 09.11.2015 at about 7 PM when complainant's husband had gone to deliver milk at diary, petitioner came to the house of complainant and caught hold her with bad intention and tried to commit rape upon her. On hearing of hue and cry, her husband came at the spot and the petitioner ran away from the spot. Thereafter, the present F.I.R was registered against the petitioner.

Learned counsel for the petitioner submits that vide order dated 06.10.2016 passed in CRM-M-33614-2016, the anticipatory bail has been granted to the present petitioner by observing that there are chances of amicable settlement. Further, in the present case the age of the prosecutrix is 30 years and the petitioner is 48 years and it is a case of attempt to rape.

Moreover, now keeping in view the peace and harmony, the matter has now been amicably settled between the parties, on the basis of compromise dated 01.03.2017 (Annexure P-2).

During the course of preliminary hearing, the trial Court, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise dated 01.03.2017 (Annexure P-2), by way of order dated 05.04.2017, by this Court.

In compliance of order dated 05.04.2017 of this Court, the report of the Judicial Magistrate 1st Class, Rupnagar, dated 26.04.2017 has been received. As per the report, the statements of all the concerned parties have been recorded and the complainant has no objection, if the present FIR registered against the petitioner is quashed. Statements of the petitioner and complainant have been recorded to the same effect.

Consequently, in view of the above-said report and in view of the judgments of the Hon'ble Supreme Court in **Dr. Arvind Barsaul etc. Vs. State of Madhya Pradesh and another**, 2008(2) RCR (Criminal) 910; **Madan Mohan Abbot Vs. State of Punjab**, 2008(2) RCR (Criminal) 429 and 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, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.192 dated 13.11.2015, under Sections 376, 511, 342 and 451 IPC, registered at Police Station Morinda, District Rupnagar and all the subsequent proceedings arising therefrom qua petitioner are hereby quashed, on the basis of compromise dated 01.03.2017 (Annexure P-2).

The present petition stands disposed of.

May 18, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No