

CRM -M-18308 of 2015

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In the High Court of Punjab and Haryana at Chandigarh

CRM -M-18308 of 2015

Date of Decision: 23.3.2017

Parveen Sharma

---Petitioner

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. A.K.Arora, Advocate
for the petitioner
Mr. Mikhail Kad, AAG, Punjab
Mr. A.P.S.Sandhu, Advocate
for respondent No.2/complainant

Rekha Mittal, J.

The petitioner has prayed for quashing of FIR No. 112 dated 26.5.2014 for offence punishable under Section 376 of the Indian Penal Code (in short "IPC") registered at Police Station, Amritsar (City), on the basis of compromise(Annexures P-4).

In the instant case, the FIR was registered on the statement of respondent No.2-complainant Rajni daughter of Sh. Madan Lal. Now the matter has been amicably settled between the parties.

Respondent No.2-complainant is present in the Court with her counsel. Affidavit dated 23.3.2017 of respondent No.2 filed in Court, is taken on record. Her statement was recorded in the Court and an extract therefrom reads thus:-

“FIR No. 112 dated 26.5.2014 for offence under Section 376 of

the Indian Penal Code was registered by me against Parveen Kumar as Parveen Kumar committed rape upon me with false promise to marry but later, he refused to perform marriage with me. Subsequently, Parveen Kumar performed marriage with me on 26.5.2014, the day I lodged the FIR. Since my marriage, I have been residing with my husband and his parents in my matrimonial home. Out of the wedlock, a male child was born on 23.12.2015. In view of subsequent developments, I do not want to pursue this litigation, the FIR aforesaid and the proceedings emanating therefrom may be quashed. I have filed my affidavit today in the Court which may be read as part of my statement”

Counsel for the petitioner submits that as the parties have amicably settled their differences, no useful purpose would be served by continuation of the criminal proceedings.

Counsel for respondent No. 2 has not disputed contention of the petitioner that the parties have arrived at an amicable settlement.

I have heard counsel for the parties and perused the records.

There is nothing on record to doubt correctness of the compromise effected between the parties, whereby they have decided to settle their dispute with an intent to live in peace and harmony. As petitioner and respondent No. 2 have performed marriage, there is no possibility of the respondent supporting the charge in case the petitioner is put to trial. In the circumstances, I am of the considered opinion that continuation of the criminal proceedings would be nothing but an empty formality in which a

wife would be called upon to depose against her husband but in all probability, she would give a statement in his favour. Hence, there is a remote and bleak rather no possibility of the trial culminating in the judgment of conviction even if allowed to proceed with. Continuation of criminal proceedings in the given circumstances, would be nothing but an exercise in futility and that too at the risk of creating acrimony in the matrimonial relations of the petitioner and respondent No. 2 who had decided to marry and lead a happy married life as husband and wife. Examined from another angle, the complainant is stated to be victim of the crime. If her husband is put to trial and eventually punished, the real victim again would be the complainant who would be deprived of care, company and financial support of her husband. In this view of the matter, criminal proceedings initiated at the instance of respondent No. 2 are liable to be put to an end and ordered accordingly.

In view of what has been discussed hereinabove, the petition is allowed, FIR No. 112 dated 26.5.2014 for offence punishable under Section 376 IPC registered at Police Station, Amritsar (City) is ordered to be quashed qua the petitioner.

(Rekha Mittal)
Judge

23.3.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No