

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

**CRM-M-27617-2017
Date of Decision: 02.11.2017**

Rajesh Behal

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rahul Sharma, Advocate
for the petitioner.

Mr. A. S. Dhaliwal, DAG, Punjab.

Mr. Anil Bansal, Advocate
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 209 dated 28.10.2012, under Sections 420 and 376 of the IPC (later on charges were framed under Sections 495 and 420 IPC), registered at Police Station Division No. 5, Ludhiana, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise dated 21.07.2017 (Annexure P-2) entered into between the parties.

In brief, the facts are that the petitioner herein and respondent No. 2 were living together as husband and wife at Panchkula till 2012 and a female child was born out of this relationship. However, the instant FIR was registered on an application submitted by the respondent No.2 /complainant

with the allegations that petitioner, who was already married with one Seema, had raped her on the pretext of marrying her and had also grabbed her property by cheating. Initially, the FIR was registered under Sections 420 and 376 of the IPC, however, later on, at the time of framing of charges, Section 376 IPC was deleted the charges were framed under Section 420 and 495 of the IPC only. Now with the intervention of respectable persons, the dispute has been amicably settled between the parties and they have entered into a compromise.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial Court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from JMIC, Ludhiana, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one. It is also reported that petitioner is accused in the present case only and he has not been declared proclaimed offender.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer, and learned counsel for respondent No. 2 admit to the factum of compromise and submit that in case the parties have indeed settled their dispute, they would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the rival parties and gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After

considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in *Narinder Singh & others vs. State of Punjab & another, (2014) 6 SCC 466*, this petition is allowed and FIR No. 209 dated 28.10.2012, under Sections 420 and 376 of the IPC (later on charges were framed under Sections 495 and 420 IPC), registered at Police Station Division No. 5, Ludhiana, District Ludhiana and all subsequent proceedings arising therefrom are quashed qua the petitioner.

The petition stands disposed of.

02.11.2017

Ansari

**(JAISHREE THAKUR)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*