

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

**CRM-M-27938-2017
Date of decision: 02.08.2017**

Vishal Juneja

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gautam Dutt, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 0014 dated 22.03.2016, registered under Sections 120-B, 376 and 506 of the Indian Penal Code at Women Police Station Ambala, District Ambala, and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

In brief, the facts of the case are that respondent No. 2 herein lodged the above noted FIR on the allegations that the petitioner had committed rape on her on the pretext of marrying her. He along with his father had promised to respondent No. 2 that they would marry her but the matter was put off. There was even a panchayti settlement between the parties, however, the same was not adhered to which led to the filing of the present FIR. The petitioner filed **CRM-M-12966-2016** before this Court to seek concession of anticipatory bail, in which proceedings, the parties were referred to the Mediation and Conciliation Centre of this Court. The matter was settled there between the parties and a settlement deed dated

11.05.2016 came into effect. As per the terms of the compromise, the petitioner and the complainant decided to get married as soon as possible by performing the *Anand Karaj* and thereafter the marriage was to be registered at Ambala.

In terms of the compromise, the parties have performed marriage on 16.05.2016 and the marriage already stands registered with the Registrar, Marriages, Municipal Corporation, Ambala City on 27.05.2016. It is thereafter that the instant petition has been filed seeking quashing of the FIR in question.

Learned counsel for the petitioner contends that both the parties are residing happily and no useful purpose would be served in case FIR in question is not quashed. Respondent No. 2 is also present in Court who submits her Voter I-Card and she submits admits to the factum of the marriage having taken place.

I have heard learned counsel for the petitioner and have also gone through the pleadings of the case.

Under normal circumstances, the matter would have been referred to the trial Court for recording of the statements regarding the genuineness of the compromise arrived at between the parties, but since the matter has been compromised before the Mediation and Conciliation Centre of this Court in **CRM-M12966-2016**, this Court is of the opinion that there would be no requirement of referring the matter to trial Court for recording of the statements of the parties. Moreover, respondent No. 2 has also furnished an affidavit in this Court in addition to the marriage that has been performed pursuant to the compromise arrived at between the parties.

Therefore, keeping in view that all matters stand settled, there would be no

useful purpose in allowing the proceedings under the FIR in question to continue.

In normal course, this Court would not entertain a matter arising out of Section 376 IPC. In the instant case, the offence complained of includes the offence punishable under Section 376 IPC, which is an offence of grave nature. In the eyes of law, such offence is serious and non-compoundable and the Courts should not, in ordinary circumstances, interfere and quash the FIR that has been registered. However, in the instant case, since the parties being major have performed marriage, it would be in their own interest and in the interest of their married life if the said FIR is hereby quashed.

Consequently, by relying upon the ratios of the judgments rendered in *Narinder Singh and others vs. State of Punjab and another, 2014(6) SCC 466* and *Madan Mohan Abbot vs State Of Punjab, 2008 (4) SCC 582*, the instant petition is allowed and the FIR No. 0014 dated 22.03.2016, registered under Sections 120-B, 376 and 506 of the Indian Penal Code at Women Police Station Ambala, District Ambala and all subsequent proceedings arising out of the same are quashed qua the petitioner.

02.08.2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No