

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

**CRM No. M-30782 of 2016
Date of decision: 23.02.2017**

Sumit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Abhishek Yadav, Advocate,
for the petitioner.

Mr. A.P.S. Gill, AAG, Punjab.

Mr. Satish Garg, Advocate,
for respondent No.2-complainant.

Ritu Bahri, J.

Quashing of FIR No. 42 dated 02.05.2016, under Sections 376 and 506 IPC, registered at Police Station, Khanauri, District Sangrur (Annexure P-1) is sought on the basis of compromise effected between the parties.

The F.I.R was registered on the basis of statement made by Pooja Devi-respondent No.2 (complainant) to the effect that on 02.05.2016, at about 3:00 A.M., Sumit Singh alias Thandia-petitioner forcibly took her to a room constructed in the fields and forcibly committed bad act against her consent. Thereafter, she became unconscious. When she gained consciousness, she found herself lying at the boundary of village, from where, her mother Maya Devi and uncle (taya) Giani Ram took her to home. In this background, the FIR was registered.

After registration of the FIR, all the Members of the Gram

Panchayat appeared before Deputy Superintendent of Police, Moonak and Senior Superintendent of Police, Sangrur and stated that the petitioner was innocent. Thereafter, on the request of Gram Panchayat, an enquiry was conducted by In-charge, Police Station, Khanauri and gave his enquiry report dated 10.06.2016 (Annexure P-5), wherein the petitioner was found innocent. During investigation, it has been found that Sumit Singh-petitioner had cultivated the fields of Kirpal Singh son of Chand, resident of village Guladhi with his tractor and his involvement in the said crime was not proved. It was further held that the petitioner has been falsely implicated by the complainant only with a view to save the real culprits.

Learned State counsel, on instructions from ASI Sukhwinder Singh, has informed that the aforesaid enquiry report has been approved by the Senior Superintendent of Police, Sangrur on 23.06.2016. In fact, the bad act was committed by some unknown person and efforts are being made to trace out the real culprits. The petitioner has been found innocent and report in this respect has been presented before the Illaqa Magistrate.

During the pendency of investigation, complainant-respondent No.2 also gave her affidavit dated 22.07.2016 to the effect that due to darkness of night, she could not identify the real culprits and has falsely named the petitioner in the present FIR. She has further stated that the petitioner had done nothing wrong to her and she does not want to take any legal action against the petitioner.

Pooja Devi-complainant is present in Court today. She has been identified by ASI Sukhwinder Singh, Investigating Officer. She has placed on record an affidavit dated 23.02.2017, stating therein that earlier she had named Sumit @ Thandia in illusion because she could not identify

the person, who had committed bad act with her. She has further stated that Sumit-petiitioner has not committed any bad act upon her. She does not want to take any action against Sumit @ Thandia-petitioner and has no objection if the aforesaid FIR is quashed.

In view of the affidavit given the complainant today in Court, the court is satisfied that continuation of the criminal proceedings against the present petitioner would be nothing, but an abuse of the process of Court.

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 Ors. 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. 42 dated 02.05.2016, under Sections 376 and 506 IPC, registered at Police Station, Khanauri, District Sangrur, is quashed with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

23.02.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No