

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

**CRM No. M-40946 of 2016
Date of decision: 16.02.2017**

Kuldeep Singh Gill alias Bhola

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Swati Verma, Advocate,
for Ms. Rishma Verma, Advocate,
for the petitioner.

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

Ms. Jasneet Mehra, Advocate,
for respondent No.2.

Ritu Bahri, J.

Quashing of FIR No. 100 dated 01.10.2016, under Sections 376 and 506 IPC, registered at Police Station, Lambra, Jalandhar (Annexure P-1) is sought on the basis of compromise dated 05.11.2016 (Annexure P-2).

The F.I.R was registered on the basis of complaint made by Raj Rani-respondent No.2 (complainant) to the effect that Kuldeep Singh Gill-petitioner had committed rape upon her on two different dates prior to 01.10.2016 by threatening and showing his pistol. In this background, the FIR was registered.

Learned State counsel, on instructions from ASI Amarjit Singh, has informed that after registration of the FIR, challan has already been presented and the trial is fixed for 10.03.2017 for framing of charges. He has further informed that no pistol has been recovered from the

petitioner.

Learned counsel for the petitioner states that the petitioner is owner of ground floor of Flat No.9-A, situated at Village Gakhla, Dhaliwal Kadian, Jalandhar. An agreement dated 01.03.2016 was entered into between the petitioner and the complainant in respect of the said property, according to which, sale consideration was fixed at Rs.7,00,000/- and the installment was fixed as Rs.6000/- per month. On account of misunderstandings with regard to the above agreement, this FIR was got registered. Thereafter, a compromise has been effected between the parties and the sale consideration has been reduced to Rs.3,90,000/- and the installment has been fixed as Rs.2500/- per month.

Now, the matter has been amicably resolved between the parties and a compromise dated 05.11.2016 (Annexure P-2) has been effected in this regard.

In compliance with the order dated 17.11.2016 passed by this Court, parties got recorded their statements before the trial Court/Illaq Magistrate. Report from the Judicial Magistrate, Ist Class, Jalandhar, has been received in this regard. As per report, Raj Rani-respondent No.2 (complainant) made her statement on 28.11.2016 to the effect that she has compromised the matter with accused-petitioner out of her own free will and without any pressure or coercion. She has no objection if, the above said FIR is quashed. Separat statement of Kuldip Singh Gill @ Bhola-petitioner was also recorded to the same effect. In view of separate statements given by the parties, the court is satisfied that the compromise is valid and genuine one.

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. 100 dated 01.10.2016, under Sections 376 and 506 IPC, registered at Police Station, Lambra, Jalandhar, is quashed with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

16.02.2017
ajp

(RITU BAHRI)
JUDGE

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