

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

**CRM No. M-45069 of 2016
Date of decision: 07.03.2017**

Raghbir Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Ms Savita Bhandari, Advocate for the petitioner.,

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Arvinder Singh, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed for quashing of FIR No. 253 dated 02.11.2016 (**Annexure P-1**) registered under Sections 376 and 420 of the Indian Penal Code('IPC' for short) at Police Station Division No.7, District Police Commissionerate (Jalandhar) on the basis of a settlement dated 22.11.2016 (**Annexure P-2**) arrived at between the parties.

Mr. Arvinder Singh, Advocate appears on behalf of respondent No. 2 and files reply by way of affidavit of respondent No.2, with a copy thereof to learned counsel for the petitioner. The same is taken on record subject to just exceptions. He submits that respondent No. 2 specifically objects to the quashing of above said FIR. Respondent No. 2 in her affidavit dated 07.03.2017 has stated that a settlement was arrived at between the parties as the petitioner had promised to marry her but now he was backing out, therefore, she withdraws from the said settlement with the petitioner. It

is further mentioned that all/any of her statements in this regard be treated to be withdrawn.

Apart from the fact that respondent No. 2 is objecting to the quashing of above said FIR, it is debatable whether an FIR under Section 376 of the IPC can be quashed on the basis of a settlement arrived at between the parties, in view of the judgment of the Hon'ble Supreme Court in ***State of M.P. Versus Madanlal 2015 (7) SCC 681***. It is to be noted that this petition has been filed for quashing of the said FIR solely on the basis of the alleged compromise and not on merits.

Keeping in view the facts and circumstances of the case, this petition for quashing of FIR No. 253 dated 02.11.2016 on the basis of a settlement between the parties is dismissed.

(LISA GILL)
JUDGE

07.03.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*