

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

**CRM-M-28608-2018
Date of decision: 29.08.2018**

Arvind Kumar @ Money

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. J.S. Grewal, Advocate,
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. K.B.S. Mann, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 482 Cr.P.C. for quashing of FIR No.71 dated 02.07.2017 under Sections 376, 511, 506 IPC, registered at Police Station Nurpur Bedi, District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise entered into between the parties.

Learned counsel for the petitioner seeks quashing of the FIR on the ground that the matter has been compromised between the parties. It is also argued that a reading of the FIR would clearly reflect that there is no said incident as alleged under Section 376 IPC and this fact was also noted in the order of Addl. Sessions Judge, Rupnagar while granting bail to the petitioners herein. Even in her statement under Section 164, there is no

mentioning of such allegations of an offence of rape under Section 376. Now with the intervention of respectable persons, the dispute has been amicably settled between the parties. A settlement /agreement has been entered into between the parties, a copy thereof is annexed with the petition.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the Judicial Magistrat Ist Class, Sri Anandpur Sahib 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.

Ms. Seena Mand, learned DAG, 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.

A bare reading of the contents of the FIR and the statement recorded under Section 164 Cr.P.C. clearly reveal that no allegation of rape is made out, at the best it would be an offence of an attempt to outrage the modesty of a woman. Even in the statement recorded on 06.07.2017 under Section 164 Cr.P.C. before the Magistrate, there is no statement that an offence under Section 376 IPC is made out. This fact is also noticed in the

order allowing regular bail to the petitioner by the Addl. Sessions Judge.

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 offence under Section 376 IPC is clearly not made out.

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, FIR No.71 dated 02.07.2017 under Sections 376, 511, 506 IPC, registered at Police Station Nurpur Bedi, District Rupnagar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

29.08.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.