

267.

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

CRM-M-14705-2018

Date of decision:15.10.2019

CHARANJIT SINGH AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vikasdeep Singh, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.23 dated 10.02.2018 registered under Sections 376, 511, 452, 34 of IPC at Police Station Fattu DHINGA, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.03.2018 (Annexure P-2).

This Court vide order dated 08.07.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 08.08.2019 to the effect that the compromise effected between the parties is genuine, valid and is not the result of any threat, pressure or coercion etc. in any manner.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Manjit Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 06.08.2019. The same is reproduced as under:-

“Stated that, I have compromised the matter with petitioners/accused Charajit Singh son of Bhajan Singh, Satnam Singh son of Buta Singh and Surjit Singh son of Charanjit Singh, all resident of village Mehmadwal, Tehsil & District Kapurthala, voluntarily without any pressure, threat or coercion with the intervention of respectables of the locality and our relatives, to keep harmony amongst the parties. I have no objection, if present FIR against petitioners/accused be quashed.”

Learned State counsel, on instructions from ASI Dalwinder Bir Singh, states that in the present case, rape has not been committed, rather the allegation is that the petitioners tried to commit rape upon respondent No.2.

I have heard counsel for the parties.

Noticing the fact that there is no allegation of rape against the petitioners and the allegation is that they tried to commit rape upon the prosecutrix and this fact has not been disputed by the learned State counsel coupled with the fact that the complainant-respondent No.2 has suffered a

statement in support of the compromise, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

Accordingly, the present petition is allowed and F.I.R. No.23 dated 10.02.2018 registered under Sections 376, 511, 452, 34 of IPC at Police Station Fattu DHINGA, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 28.03.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

15.10.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No