

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-23488 of 2018

Date of Decision: November 01, 2019.

Sandeep Kumar @ Sunny

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr.Munish Gulati, Advocate, for the petitioner.

Ms.Jasleen Kaur Sidhu, AAG, Punjab.

Mr.Amit Wadhwa, Advocate, for the complainant.

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Hari Pal Verma, J. (Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.152 dated 15.09.2015 registered under Sections 376-B, 506, 511 of IPC at Police Station Moga City, District Moga and all subsequent proceedings arising therefrom on the basis of compromise dated 29.09.2017 (Annexure P-2).

Learned counsel for the petitioner submits that though the FIR was initially registered under Sections 376-B, 506 and 511 of IPC, however, while presenting the challan, offence under Section 451 IPC has also been added in the case. He prays for addition of said offence in the head note as well as prayer clause of the petition.

Ordered accordingly.

Registry is directed to carry out necessary corrections in the

Head note as well as prayer clause of the petition.

Learned counsel for the petitioner states that this is the second marriage between the petitioner and respondent No.2 solemnized on 24.12.2013. Because of the temperamental differences, they could not continue as husband and wife and a decree of divorce was granted under Section 13-B of the Hindu Marriage Act. Thereafter, the parties are living separately. Learned counsel further states that the matter has been otherwise compromised between the parties through a Panchayati compromise dated 29.09.2017. He further states that the present FIR has been registered because of misunderstanding. There is no such medical report for the allegation of rape.

Learned counsel for the complainant has not disputed the fact that the matter has been resolved and a decree of divorce has been granted between the husband and wife through a petition under Section 13-B of the Hindu Marriage Act.

This Court vide order dated 07.02.2019 had directed the parties to appear before the Illaqa Magistrate//trial Court for recording their respective statements with regard to compromise/settlement on 17.02.2019 and the Illaqa Magistrate/trial Court was directed to submit a report alongwith the statements of the parties. In compliance thereto, learned Additional Sessions Judge, Moga has recorded the statements of the parties and sent his report alongwith the statements of the parties. Statement of the complainant-Rekha Rani is reproduced as under:-

“I have compromised the matter with the accused Sandeep Kumar alias Sunny son of Balram Kumar son of Lal Chand, resident of Beant Nagar, Street No.6, Moga with the intervention of respectable persons and now I have no grudge and enmity against the accused. I have entered into the above said compromise voluntarily and without any pressure or

coercion on part of anybody. I do not want to proceed further with the FIR No.152 dated 15.09.2015, U/ss 376-B, 506, 511, 451 IPC, P.S.City Moga. I have no objection if the FIR be quashed and compromise be accepted.”.

Considering the fact that the matter has been compromised between the parties, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Accordingly, this petition is allowed and FIR No.152 dated 15.09.2015, registered at Police Station Moga City, District Moga, under Sections 376-B, 451, 506 & 511 IPC. and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise arrived at between the parties

November 01, 2019
mohinder

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No