

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28897-2017 (O&M)
Date of Decision:- 31.10.2019

Mukhtiar Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. I.P.S.Kohli, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

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

GURVINDER SINGH GILL, J. (Oral)

Learned State counsel has informed that in the present case police has presented the challan.

Learned counsel for the petitioner has however drawn the attention of this court to the allegations, as levelled in the FIR which *prima facie* would suggest that it is a case where the prosecutrix was having consensual physical relations with the petitioner. Learned counsel has further submitted that in any case the FIR came to be lodged under some misunderstanding which has now been resolved and has referred to

compromise deed (Annexure P-2) as well as Affidavit (Annexure P-3) duly executed by the prosecutrix as annexed with the petition.

Since challan already stands presented, the petition is disposed of with liberty to the petitioner to raise all the pleas raised herein before the learned Trial Court at the stage of consideration as regards framing of charges. The Trial Court shall expeditiously dispose of the matter while looking into all the facts and circumstances of the case and shall meticulously examine the matter since the FIR itself is suggestive that the complainant was voluntarily having physical relations with the petitioner. The Trial Court shall also look into the plea that the FIR came to be lodged on account of some misunderstandings which have now been cleared.

October 31, 2019

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No