

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

CRM-M-17121-2019

Date of decision:29.10.2019

GURJIT SINGH CHERRY AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rajat Dogra, Advocate for
 Mr. S.P.S. Sidhu, Advocate
 for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Raj Kumar Chandana, Advocate
for the respondent No.2.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioners seek quashing of FIR No. 163 dated 15.9.2016 under Sections 376, 511, 498-A, 406, 120-B, 354-A, 354-B IPC, Police Station City Moga, District Moga and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. Pursuant to directions issued by this Court vide order dated 2.7.2019, the parties appeared before the trial Court and got their statements recorded wherein the complainant categorically stated that she had entered into compromise with the accused with the intervention of the respectables

and that she does not wish to proceed with the FIR. To a similar effect is statement of father of prosecutrix i.e. Sanjeev Kumar. Accused have also stated that they have effected compromise with the complainant.

3. I have heard learned counsel for the petitioner and learned State counsel. As far as offence under Section 376 IPC is concerned, a perusal of FIR itself would show that there is no allegation that complainant's daughter had been raped. The allegations in this regard is to the effect that her father-in-law had attempted to rape her and that too on the instigation of her mother-in-law. Such like allegations could have been cooked up give the fact that there was matrimonial discord between the parties. In these circumstances, this Court is of the opinion that offence under Section 376 IPC is not made out. In any case since the parties have now reached at an amicable settlement as regards their disputes which had primarily arisen out of matrimonial discord, this Court is of the opinion that the compromise is in the larger interest of both the families. As such, in view of the compromise and in light of ratio of judgment laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is accepted and FIR No. 163 dated 15.9.2016 under Sections 376, 511, 498-A, 406, 120-B, 354-A, 354-B IPC, Police Station City Moga, District Moga and all consequent proceedings arising therefrom are hereby quashed qua the petitioners.

(GURVINDER SINGH GILL)
JUDGE

29.10.2019
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No