

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-20229-2019 (O&M)
Date of Decision : 22.07.2019

Kuldeep Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab

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

RAJ SHEKHAR ATTRI, J. (Oral)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No. 123 dated 05.04.2019 for offences punishable under Sections 376, 511, 452 of the Indian Penal Code registered in Police Station City Barnala, District Barnala along with all consequential proceedings emanating therefrom on the basis of compromise dated 06.04.2019 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of respondent No.2/complainant Sandeep Kaur. Now, dispute between the parties has been resolved by way of compromise dated 06.04.2019 (Annexure P-2).

As per FIR, the petitioner made an attempt to commit rape upon the complainant.

A perusal of the compromise (Annexure P-2), reveals that the petitioner had not committed rape upon her.

Vide order dated 03.05.2019, the parties were directed to appear before the trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Chief Judicial Magistrate, Barnala, wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any pressure, coercion or undue influence.

Counsel for the State and respondent No.2 have not disputed that the parties i.e. petitioner and respondent No.2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in **'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543** and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that the same are put to an end.

For the foregoing reasons, the petition is allowed, FIR No. 123 dated 05.04.2019 for offences punishable under Sections 376, 511, 452 of the Indian Penal Code registered in Police Station City Barnala, District Barnala and all the proceedings emanating therefrom stand quashed qua the petitioner.

22.07.2019

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**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No