

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

CRM-M-24077-2019 (O&M)

Date of Decision:- 9.12.2019

Aaqir Aslam Thoker

... Petitioner

Versus

U.T. Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saurabh Dalal, Advocate, for the petitioner.

Mr. Rajeev Anand, Addl. P.P. U.T. Chandigarh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking quashing of FIR No.59, dated 17.3.2019, registered at Police Station I.T. Park, Chandigarh, under Section 376 of Indian Penal Code, 1860 and all subsequent proceedings emanating therefrom on the basis of a compromise effected between the parties.

2. Vide order dated 4.9.2019, the parties had been directed to appear before the Illaqa Magistrate/trial Court so as to get their statements recorded qua the factum of compromise.
3. Report of learned Chief Judicial Magistrate (Duty), Chandigarh, has been received, wherein it has been reported that statements of petitioner/accused Aaqir Aslam Thoker and also of complainant Ankita have been recorded to the effect that they have compromised the matter amongst themselves.
4. Normally, this Court would not interfere in a matter pertaining to offence under Section 376 IPC on the assertion that the parties have compromised the matter but peculiar facts of the present case compel this Court to exercise its jurisdiction under Section 482 Cr.P.C. In the present case, the complainant and the petitioner have solemnized marriage and have amicably resolved their issues.
5. The prosecutrix in her statement has categorically stated that matter stands compromised with the accused with the intervention of respectables and she got married to the petitioner on 9.5.2019 and that she has no grudge against the petitioner and has no objection for quashing of the FIR.
6. The learned Chief Judicial Magistrate (Duty), Chandigarh, has specifically opined that the parties have entered into compromise voluntarily without there being any pressure, coercion or undue influence.
7. In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052

Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.59, dated 17.3.2019, registered at Police Station I.T. Park, Chandigarh, under Section 376 of Indian Penal Code, 1860 and all subsequent proceedings emanating therefrom are hereby quashed qua the petitioner.

December 9, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No