

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

CRM-M-29603 of 2019.

Decided on:- October 22, 2019.

Vinod Kumar Shukla.

.....Petitioner.

Versus

The State of Punjab and another

.....Respondents.

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

Present:- Mr. J.S. Jaidka, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. Rahul Rana, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.28 dated 26.02.2019 under Sections 376, 511 and 323 IPC registered at Police Station Tibba, District Ludhiana (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 06.04.2019 (Annexure P-1).

This Court vide order dated 15.07.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioner and respondent No.2-complainant have appeared before learned Additional Sessions Judge, Ludhiana and got their statements recorded on 19.08.2019. On the basis of the

statements so recorded by the parties, learned Additional Sessions Judge has submitted report dated 18.10.2019 to the effect that the parties have compromised the matter without any pressure, undue influence, fraud or coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Nisha Bala. She has already made a statement before learned Additional Sessions Judge in support of the compromise. Her statement so recorded by learned Additional Sessions Judge on 19.08.2019 reads as under:

“Stated that I had got registered FIR No.28 dated 26.02.2019 against Vindo Kumar Shukla son of Hira Lal Shukla, resident of Street No.10, Raju Colony, near Guru Teg Bahadur Gurdwara, Tibba Road, Ludhiana, under Sections 376, 511, 323 of Indian Penal Code at Police Station Tibba (Ludhiana). I have entered into compromise with accused Vinod Kumar Shukla with the intervention of respectable of the area. Now I do not want to proceed with this case against accused and have no objection if FIR against accused is quashed by Hon’ble High Court. I have entered into compromise with my own free will and without any coercion. I have not been pressurized either to compromise the matter or to make statement in the court in this regard.”

Learned counsel for the petitioner states that apart from the fact that the matter has been compromised between the parties, there is no allegation of commission of rape against the petitioner, rather, the allegation against him is attempt to commit rape.

Learned counsel for respondent No.2-complainant does not dispute the aforesaid fact.

Learned State counsel has also not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law as chances of conviction of the petitioner are very bleak.

Thus, the present petition is allowed and the FIR No.28 dated 26.02.2019 under Sections 376, 511 and 323 IPC registered at Police Station Tibba, District Ludhiana (Annexure P-2) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 06.04.2019 (Annexure P-1).

October 22, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No