

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

CRM-M-30854-2019 (O&M)
Date of Decision:- 7.11.2019

Shankar Dial @ Shankar Dyal and another ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bhanu Pratap Singh, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this court seeking quashing of FIR No.118, dated 5.9.2018, registered at Police Station Chhabewal, District Hoshiarpur, under Sections 376, 324, 506, 452, 34 IPC on the ground that the matter has since been compromised amongst the parties.
2. Although, one of the offence as alleged, is an offence under Section 376 IPC in respect of the allegations levelled by the complainant against her brother-in-law namely Shankar Dayal who is stated to be cousin of complainant's husband Hardeep Singh but the FIR in fact appears to be an outcome of some matrimonial discord amongst the complainant and her husband which has now been resolved. Since the parties belong to the same family and have now resolved their

issues, it will certainly be in the interest of maintenance of harmonious, relations and cordiality within members of the same family that the petition be entertained.

3. Pursuant to directions issued by this Court, statements of the parties have been recorded by learned Additional Sessions Judge, Hoshiarpur. The complainant/prosecutrix has categorically stated that the matter has been resolved with the intervention of the respectables and relatives and that she is residing happily with her husband Hardeep Singh since the last more than 1 ½ months and that she does not wish to proceed with the FIR against any of the accused. Learned Additional Sessions Judge, Hoshiarpur, has specifically opined that the parties have entered into compromise voluntarily, out of their free will, without there being any coercion or undue influence.
4. In view of the aforesaid report 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 petition is allowed and FIR No.118, dated 5.9.2018, registered at Police Station Chhabewal, District Hoshiarpur, under Sections 376, 324, 506, 452, 34 IPC, and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

November 7, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No