

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

**CRM-M-12420-2019
Decided on : 05.02.2020**

Kuldeep Singh

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Parminder Singh-I, Advocate
for the petitioner(s).

Ms. Devaki Anand Sullar, Asstt. AG, Punjab.

Mr. Arun Abrol, Advocate
for respondent No.2 - complainant.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition is for quashing of FIR No. 212, dated 11.08.2018, under Sections 376, 506 IPC, registered at Police Station Raman, District Bathinda and the consequential proceedings arising out of the same, on the basis of compromise-deed dated 25th February, 2019 (Annexure P-2) arrived at, between the parties as well as the affidavit dated 07th March, 2019 (Annexure P-3) of respondent No.2 - complainant..

Vide order dated 10th April, 2019 of this Court, the parties were directed to appear before the learned Illaqa Magistrate/Duty Magistrate/trial Court within a period of 15 days to get their statements recorded regarding the compromise arrived at, between them. The Illaqa Magistrate had been further directed to submit his report with regard to the genuineness of the compromise arrived at between the parties.

Report has since been received from the learned ASJ, Bathinda,

in pursuance to the direction of this Court, wherein, the factum of the

compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that she would have no objection if the FIR *qua* the accused-petitioner is quashed. The trial Court has annexed the statements of the parties in original alongwith its report.

The allegations which had been levelled against the petitioner by respondent No.2 (complainant) were to the effect that after giving her an assurance of marriage, the petitioner lured her and committed rape upon her. However, when she asked him to perform marriage with her, he flatly refused. However, soon thereafter, respondent No.2 (complainant) herself gave a self-declaration letter (annexed as Annexure P-4), to the effect that FIR in question had been registered against the petitioner, after she had been pressurised by her family and subjected to physical assault by her parents. In the said self-declaration letter, given to the police, she had categorically stated that the petitioner was completely innocent and had been falsely roped in, and had not forcibly committed rape upon her. On 25.02.2019, a panchayati compromise too was effected between the parties vide Annexure P-2.

Learned State counsel too submits that there is no other accused other than the petitioner and respondent No.2 is the only aggrieved person in the FIR in question.

In view of the report of the learned ASJ, Bathinda and the principles laid down by the Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**, and also by the Full Bench of this Court in

Kulwinder Singh and others Vs. State of Punjab and another, 2007(3).

RCR (Criminal) 1052, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

(MANJARI NEHRU KAUL)
JUDGE

February 05, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*