

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

**CRM-M-8350-2020(O&M)
Date of Decision: 16.09.2021
(Heard through VC)**

Gaurav Chauhan

...Petitioner

Versus

State of Punjab and Anr.

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bhupinder Singh, Advocate
for the petitioner

Mr. A. S. Gill, Sr. DAG, Punjab.

Mr. Jangjit Singh Dhayia, Advocate
for the complainant/respondent No.2.

JAISHREE THAKUR, J. (Oral)

CRM-28572-2021

Prayer in the present application filed by
complainant/respondent No.2 is for pre-poning the date of hearing of the
main case fixed for hearing on 15.12.2021.

Counsel for the petitioner has put in appearance.

The application is allowed and the main case is taken up for
hearing today.

CRM-28569-2021

Prayer in the application is for placing on record reply of
respondent No. 2.

Allowed as prayed for.

Reply of respondent No. 2 alongwith Annexures R1 to R4 is
taken on record.

CRM-M-8350-2020(O&M)

The instant petition has been filed under Section 482 Cr. P. C. for quashing of FIR No. 124 dated 10.12.2019 under Section 376 IPC, registered at Police Station Dhakoli, District SAS Nagar on the basis of compromise.

It appears that the regular bail of the petitioner has been allowed by the Court below and thereafter, this petition has been filed for quashing of the FIR itself. The matter was taken up on 26.02.2020 on which date the parties were directed to appear before the Illaqa Magistrate on 27.03.2020 to get the statement recorded regarding the genuineness of the compromise. Their statement had been recorded before the trial Court on 16.07.2020. The matter was, thereafter, taken up on 15.12.2020 on which date, counsel for respondent No. 2 could not connect due to the poor internet connectivity.

On 29.01.2021, counsel for the respondent-State and the complainant would submit that the compromise was not in effect as the marriage which was to be solemnized between the parties did not take place. This matter has been pending in court only on the ground that the marriage would be solemnized on which basis the petition under Section 376 IPC was sought to be quashed.

Counsel for respondent No. 2 would submit that only false assurances have been given to the complainant regarding fixing the date of the marriage.

I have heard the counsel for the parties.

Admittedly, an FIR under Section 376 IPC was registered against the petitioner at Police Station Dhakoli, District SAS Nagar. After

the registration of the said FIR, a compromise was arrived at, wherein it was agreed that a marriage would be solemnized between the petitioner and the prosecutrix. Based on the said compromise, regular bail too was allowed. The Roka ceremony was performed on 03.07.2020, however, the petitioner and his family members failed to fix the date for the marriage. It appears that the compromise was effected only to obtain bail and once the purpose was served, the petitioner has avoided to marry the prosecutrix. In the eventuality that since the FIR was sought to be quashed based on compromise and the terms of compromise have not been satisfied, this petition for quashing of the FIR deserves to be dismissed.

Ordered Accordingly.

16.09. 2021

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No