

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

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**CRM-M-17263-2021
Decided on : 16.12.2021**

Sukhwinder Kaur @ Sukhi & ors.

. . . Petitioners

Versus

State of Punjab & anr.

. . . Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

Present : Mr. R.S.Athwal, Advocate
for the petitioners.

Manjari Nehru Kaul, J. (Oral)

Instant petition has been filed u/s 482 Cr.PC for quashing of case FIR No.34 dated 10.03.2021 registered under Sections 376, 376-D, 342, 109, 34 IPC and Section 5(1) of Immoral Traffic Prevention Act, 1956 at Police Station Sadar Rupnagar District Rupnagar and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Learned counsel for the petitioners inter alia contends that the FIR in question came to be registered at the instance of the prosecutrix arrayed as respondent No.2 due to their relations having soured on account of some misunderstandings between them *qua* certain financial dealings. He submits that on account of their strained relations, on 12.08.2020, a scuffle also took place between the parties, wherein, they used abusive language against each other. However, subsequently with the intervention of common friends and respectables, the petitioners and respondent No.2 amicably settled all their disputes and ironed out all their differences. In support, he has invited the attention of this Court to the said compromise

dated 15.04.2021 (Annexure P-2). Learned counsel has thus prayed that since the matter stands amicably settled, the continuation of criminal proceedings would be an exercise in futility.

I have heard learned counsel and perused the material available on record including the compromise stated to have been effected between the parties.

A perusal of the allegations levelled in the FIR (Annexure P-2) reveals that the prosecutrix was employed as a maid in the house as well as in a hotel being run by petitioner No.1. Allegedly, petitioners No.2 & 3 with the active connivance of petitioner No.1, not only raped the prosecutrix a number of times, but as and when she resisted, she was beaten up, threatened with dire consequences and on many occasions, her six years old daughter, was also taken away by the petitioners. Still further, the petitioners were allegedly running a prostitution racket in the hotel of petitioner No.1, where the prosecutrix would be forced by them to develop physical relations with the customers/persons, who would visit the hotel.

Prima facie, the allegations levelled in the FIR do disclose the commission of cognizable offences. The offences alleged to have been committed by the petitioners are without a doubt serious and heinous in nature. It cannot be overemphasized that rape is not only a crime against the body of the woman but also an offence against the society. The offence of rape by no stretch of imagination can thus be said to be private in nature and the perpetrators of the alleged crime cannot be permitted to settle the dispute by way of a compromise with the victim.

In the circumstances, this Court would not be inclined to put a

legal stamp on a compromise stated to have been effected between the parties for heinous offences involving mental depravity. The Supreme Court in **Parbhatbhai Aahir Vs. State of Gujarat and Anr., 2017 AIR (SC) 4843**, has also held in no uncertain terms that the powers under Section 482 Cr.P.C. to quash an FIR, cannot be exercised in heinous and serious offences like murder, rape, dacoity etc.

As a sequel to the above, this Court would stay its hands from exercising its inherent jurisdiction under Section 482 Cr.P.C., to quash the FIR in question on the basis of a compromise arrived at between the parties.

Petition stands dismissed. However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 16, 2021

J.Ram

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