

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

CRM-M-32590-2021

Date of Decision: 12.8.2021

Sonu

..... Petitioner

Versus

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Yogeshwar Dayal Kaushik, Advocate, for the petitioner.

Mr. B.S. Virk, Assistant Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in the present petition is for quashing of FIR No.112 dated 11.7.2019 under Sections 376 IPC and 506 IPC registered at Police Station NIT Faridabad, District Faridabad and subsequent proceedings arising therefrom on the basis of the compromise dated 7.7.2021 (Annexure P-2).

As per the factual matrix, the FIR in question was lodged by the prosecutrix, who is married lady and 28 years of age. She had alleged that she became familiar with the petitioner and thereafter in due course of time taking benefit of the relations, he developed physical relations with the prosecutrix forcefully. Thereafter, as per the allegations, he started forcing the prosecutrix and established physical relations repeatedly. On resistance by the prosecutrix, the petitioner threatened her that he would upload her photos on facebook and kill her husband. Having no other alternative, the

prosecutrix was compelled to disclose the same to her husband, who took her to the Women Police Station for taking legal action and as a result of the same, the present FIR was registered. Thereafter, the investigation commenced and challan was filed.

Learned counsel for the petitioner contends that the petitioner and the prosecutrix have amicably settled the dispute and they have arrived at a compromise, which is placed on record as Annexure P-2. In view of the same, he contends that as there is a compromise so carrying on the prosecution of the petitioner would be an abuse of the process of the Court and thus, the same deserves to be quashed. Learned counsel for the petitioner has relied upon the precedent by Hon'ble the Apex Court in the cases of **B.S.Joshi and others** vs **State of Haryana** and another (2003) 4 Supreme Court Cases 675 and **Gian Singh** vs **State of Punjab and another** (2012) 10 Supreme Court Cases 303.

Learned State counsel has vehemently opposed the contentions raised by learned counsel for the petitioner and submitted that the offence involved is heinous offence and on completion of investigation the challan already stands submitted before the Court. He submits that the compromise alleged has no legal sanctity in the facts and circumstances of the present case. He further submits that even the parameters laid down by Hon'ble the Apex Court in the cases of **B.S.Joshi** and **Gian Singh** (supra) are of no help to the petitioner as the same are not applicable in the facts and circumstances of the present case.

I have heard learned counsel for the parties and perused the record.

The facts and circumstances of the present case would show

that the petitioner is alleged to have committed heinous offence and he has established physical relations with the prosecutrix forcefully by blackmailing her. The allegations are to the extent that the petitioner threatened the prosecutrix for posting her photos on facebook and killing her husband. On conclusion of the investigation, the challan has been duly submitted before the Court of competent jurisdiction and the trial Court is seized of the matter. The judgments relied upon by counsel for the petitioner in the cases of B.S.Joshi and Gian Singh (supra) are not applicable in the present case. Their Lordships have held that in case of heinous offences, the compromise arrived would be meaningless. The allegations levelled in the FIR make out cognizable offence and truth can be unravelled only after leading the evidences before the trial Court.

In the over all facts and circumstances, in my considered opinion, interference by this Court under Section 482 Cr.P.C. on the basis of alleged compromise, is not called for in the present case.

The petition being devoid of any merit fails and hence, dismissed.

(RAJESH BHARDWAJ)
JUDGE

12.8.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No