

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

CRM-M-38215-2021

Date of Decision: 16.9.2021

Nand Lal and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Arjun Veer Sharma, Advocate, for the petitioners.

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

Mr. Manoj Kaushik, Advocate, for respondent No.2.

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.24 dated 19.6.2018 under Sections 376, 323, 506 IPC at Police Station Women, Yamuna Nagar and all the subsequent proceedings arising out of the same on the basis of the affidavit dated 23.7.2021 of the complainant.

As per the factual matrix of the case, the FIR in question was lodged by the prosecutrix alleging therein that accused-Nand Lal developed physical relation with her by committing fraud upon her and the serious allegations were levelled against his wife Rekha as well, where she threatened the prosecutrix/complainant to be killed. The allegations were to the extent that accused-Nand Lal by making false promise to the complainant to help her in securing job and thereafter, to get her marry in a good family, took the prosecutrix to Nahan (Himachal Pradesh) and developed illicit relations with

her in the Hotel. Thereafter, the complainant was threatened to be killed in case she disclosed the incident to anyone. The prosecutrix further alleged that the accused started blackmailing her on the pretext of having made the obscene video of the prosecutrix. It was further alleged that accused-Nand Lal and his wife Rekha gave beatings to her. On the basis of such allegations, the FIR was lodged and request was made to take legal action against the accused. On the basis of the same, the investigation was completed and challan was presented and thereafter, the trial commenced.

The petitioners have approached this Court by way of filing the present petition for quashing of FIR on the ground that they have entered into compromise with complainant-respondent No.2 and hence, their prosecution in the FIR would be nothing but an abuse of process of the Court. Learned counsel for the petitioners vehemently contends that the petitioners were falsely implicated and no offence as such is made out against them. He has relied upon the judgment of Hon'ble the Supreme Court in the case of Narinder Singh and others vs. State of Punjab and another, 2014(2) RCR (Criminal) 482 and judgment of this Court in case of Kulwinder Singh vs. State of Punjab, 2007 (3) RCR, 1052 .

Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners and contended that the offences in question are heinous in nature and they do not fall in the category of considerations where compromise arrived at between the parties can be taken into consideration. He submits that the trial is at fag end, as all the prosecution witnesses have been examined by the trial Court and the case is fixed for recording of the statement of the accused under Section 313 Cr.P.C. He further submits that the prosecutrix has supported the case of the prosecution before the trial Court. He submits that no case is made out for quashing of the FIR on

the basis of the compromise.

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

The case in hand pertains to the offence under Section 376 IPC, which is a heinous offence. The allegations by the prosecutrix are specific in nature. From the arguments raised, it is evident that the prosecutrix has been examined by the trial Court, wherein she has fully supported the case of the prosecution. Besides this, all the prosecution witnesses stand examined and the trial Court has virtually concluded the trial. There is no dispute regarding the law settled by Hon'ble the Apex Court, however, in the facts and circumstances of the present case, the parameters laid down by Hon'ble Apex Court are not applicable to the case in hand. Hence, in the overall facts and circumstances, this Court is of the opinion that the compromise arrived at would be of no consequences and the same is rejected.

The present petition is disposed of with liberty to the petitioners to raise all their pleas before the trial Court.

(RAJESH BHARDWAJ)
JUDGE

16.9.2021
sharmila

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