

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

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CRM-M-44521-2021 (O&M)

Decided on : 27.10.2021

DEEPAK VERMA

... Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Ranjit Saini, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed for quashing the FIR No.40 dated 04.06.2016 under Section 376, 506 and 34 of the IPC registered at Women Police Station Yamuna Nagar, District Yamuna Nagar and all other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Learned counsel for the petitioner urged that the FIR in question came to be registered against the petitioner due to some misunderstanding between the parties. It has been submitted that in the wake of the compromise, which has been arrived at, with the intervention of respectables of the area, the continuation of criminal proceedings would be a futile exercise.

I have heard learned counsel as well as perused the material on record.

It transpires that subsequent to the registration of the FIR in

question, wherein, the prosecutrix had levelled serious and specific allegations against the petitioner of committing rape upon her as well as preparing a video of the said act by not only exploiting her vulnerable condition on account of her husband's serious illness, but also of threatening her with dire consequences, he had absconded during the trial as a result of which, he was declared a proclaimed offender on 26.10.2016 by JMIC Yamuna Nagar at Jagadhari. It is on account of the petitioner absconding, the trial got delayed and it was only once the co-accused i.e., his mother and sister were acquitted by the trial Court, he chose to show up and surrender before the trial Court. Be that as it may, this Court would loathe to exercise its inherent jurisdiction to quash the FIR in question as the offences allegedly committed by the petitioner without a doubt are heinous in nature. The offence of rape cannot be said to be private in nature, rather, such like offences do impact the conscience of civilized society. Still further, this Court cannot turn a blind eye to the fact that the offences under Sections 376, 506 and 34 of the IPC, for which the petitioner is facing trial are excluded from the category of offences which can be compounded under Section 320(9) CrPC.

Petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

October 27, 2021

S.Sharma(syr)

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