

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

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(Through Video Conferencing)

CRM-M-7222-2022

Date of decision: 21.02.2022

Ajay Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Gurkirat Kaur, Advocate
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana
for respondent No.1-State.

Mr. A.S. Shera, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking quashing of FIR No.79 dated 17.03.2021 lodged under Section 376(2)(N) IPC registered at Police Station DLF Phase-III, Gurugram and the consequential proceedings arising out of the same, on the basis of compromise dated 17.12.2021 (Annexure P-2) arrived at, between the parties.

Learned counsel for the petitioner inter alia contends that the petitioner and respondent No.2/prosecutrix had been in a consensual relationship for almost 05 years and it was on account of some misunderstanding, respondent No.2/prosecutrix lodged the FIR in question. However, soon after the registration of the said FIR, the parties ironed out their differences and effected a compromise on 17.12.2021 which has been annexed with the petition as Annexure P-2. Learned counsel has, thus, prayed that since the trial was at an initial stage and only charges stood framed, the FIR be quashed as

continuation of criminal proceedings would be a futile exercise.

Mr. A.S. Shera, Advocate has put in an appearance on behalf of respondent No.2 and does not dispute the factum of compromise (Annexure P-2) arrived at between the parties.

Pursuant to supply of advance copy of the petition, learned State counsel has put in an appearance. She has vehemently opposed the prayer made by the counsel opposite by submitting that there were serious and specific allegations levelled against the petitioner of raping respondent No.2/prosecutrix on a number of occasions after blackmailing and threatening her of dire consequences. She has further disputed the submissions made by the counsel opposite that the trial was at the initial stage. She, on instructions has submitted that the learned counsel for the petitioner has made a wrong statement qua the status of the trial. Rather, the trial was likely to conclude shortly as 05 out of 10 prosecution witnesses cited stood examined.

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

It needs to be reiterated that quashing of FIR and subsequent proceedings qua non-compoundable and heinous offences like rape, dowry death, kidnapping, abduction etc., cannot be permitted. It would be against the legislative intent, which in its wisdom, has categorized the offences into compoundable and non-compoundable after taking into consideration the gravity of each of them.

In the facts and circumstances as enumerated hereinabove, moreso when the trial is at an advance stage as most of the prosecution witnesses stand examined, this Court is not inclined to invoke its

inherent jurisdiction under Section 482 Cr.P.C. and quash the FIR in question which has been registered under Section 376(2)(N) IPC, which is a non-compoundable offence. The compromise stated to have been effected between the parties cannot be a ground to quash the FIR in question.

Dismissed.

21.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No