

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

Sr. No.240

CRM-M-9015-2020

Date of decision: 06.05.2022

Sukhdev Raj

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.S. Dhaliwal, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. G.S. Nayer, Advocate, for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.04 dated 10.01.2020 registered under Section 376 IPC at Police Station Cantt. Bathinda, District Bathinda on the basis of a compromise.

On March 02, 2020, this Court had passed the following order:-

“This is a petition for quashing of FIR involving Section 376 of IPC on the ground that pursuant to the lodging of the FIR, the parties are residing together as husband and wife.

Notice of motion.

At this stage, on the asking of the Court Mr. Davinder Bir Singh, DAG Punjab, accepts notice on behalf of respondent No.1-State and Mr. G.S. Nayer, Advocate, puts in appearance on behalf of respondent No.2 and files his vakalatnama and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

Now, the parties are directed to appear before the learned trial Court/Illaq Magistrate on 18.04.2020 or any other date convenient to the trial court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 30.06.2020.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

In pursuance to the afore-quoted order, the petitioner and respondent No.2, who is now the petitioner's wife, appeared before the Trial Court and recorded their statements with regard to their marriage as also that from the date of their marriage they are happily living as husband and wife.

In view of the above peculiar facts of this case and the report by the Magistrate as per which the understanding and settlement between the petitioner and respondent No.2 is genuine, continuation of the proceedings in pursuance to the impugned FIR shall unsettle not only the married life of the petitioner and the respondent No.2 but also their child who has taken birth out of the wedlock. Resultantly, in terms of the law laid down by a Full Bench of this Court in Kulwinder Singh and others Vs. State of Punjab and others, 2007 (3) RCR (Criminal), 1052, this Court deems it just and proper to allow the petition and resultantly quash the FIR No.04 dated 10.01.2020 registered under Section 376 IPC at Police Station Cantt. Bathinda, District Bathinda and all proceedings arising therefrom, qua the petitioner.

May 06, 2022
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(DEEPAK SIBAL)
JUDGE