

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(260)

CRM-M-12628-2021
Date of Decision:- 27.10.2022

Sumit Sharma

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Navjot Singh, Advocate for the petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab
for State-respondent No.1.

Mr. Amarbir S. Shergill, Advocate for
Mr. Rohit Aggarwal, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0134 dated 01.11.2019, registered for offences under Sections 376 and 506 of the Indian Penal Code, 1860 (for short "IPC"), however, later on Section 376 was deleted and Section 354-B, IPC was added (whereas challan was presented under Section 354-D and 509, IPC), at Police Station City-II, Malerkotla, District Sangrur, Annexure P-1, along with all subsequent proceedings arising therefrom including challan dated 09.11.2020, on the basis of compromise deed dated 03.02.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that the petitioner had financial transactions with the father of the prosecutrix, who had given some blank cheques to the petitioner. He submits that due to some misunderstanding

between the parties, FIR, Annexure P-1, on the basis of false allegation of sexual assault has been registered. He submits that the dispute between the parties has been settled and a compromise, Annexure P-2, has been arrived at. It is his argument that the falsity of allegation is apparent from the fact that during investigation, offence under Section 376, IPC has been deleted. Still further, he submits that the parties have got their statements recorded in support of the compromise in deference to the order passed by this Court.

Upon instructions received from ASI, Harpal Singh, State counsel submits that after investigation, challan under Sections 354-D and 506, IPC has been filed and charge has been framed against the accused-petitioner. Still further, he submits that some prosecution witnesses have been examined, though the complainant/prosecutrix is yet to step into the witness box.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 18.03.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded and a report was called for regarding the genuineness of compromise as also as to whether P.O. proceedings are pending against any of the party.

Report has been received and its relevant extract is as under:-

- “1. The compromise is genuine, voluntarily and without any coercion and undue influence in view of statement of complainant and accused.*
- 2. As per parties, no proclamation proceedings are pending against them.”*

An examination of the allegations levelled and the compromise effected between the parties shows that the dispute between them has arisen due to some financial transactions, which has been amicably settled. This Court is of the view that the dispute is private and personal in nature and does not have any impact on the society as the allegation of sexual exploitation have been found to be false.

Keeping in view the above development, report of the Trial Court and the judgments of Supreme Court in *Shiji @ Pappu and others Versus Radhika and another 2012 (1) RCR (Criminal) 9* and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, this Court has formed the view that keeping the criminal proceedings alive would not serve any purpose as possibility of conviction of the accused-petitioner is bleak.

Accordingly, the petition is allowed. FIR No.0134 dated 01.11.2019, registered for offences under Sections 376 and 506, IPC, however, later on, Section 376 was deleted and Section 354-B, IPC was added (whereas challan was presented under Section 354-D and 509, IPC), at Police Station City-II, Malerkotla, District Sangrur, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

27.10.2022

Kamal

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