

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

Sr. No.237

CRM-M-24112-2019

Date of decision: 28.03.2022

Anokh Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.156 dated 31.07.2018 registered under Sections 376, 313, 201 IPC at Police Station Sadar Patti, Tarn Taran and all subsequent proceedings arising out of it on the basis of the compromise (Annexure P-2).

On November 05, 2019, this Court had passed the following order:-

“The petitioner Anokh Singh has approached this Court seeking quashing of FIR, which has been lodged at the instance of his daughter-in-law, wherein it has been alleged that the petitioner had committed rape upon his own daughter.

On 22.8.2019, this Court passed the following order:

“The petitioner has approached this Court seeking quashing of FIR Annexure P-1 on the

ground that the matter has since been compromised amongst the parties.

It has been submitted that the FIR came to be lodged at the instance of Sukhjit Kaur wherein it has been alleged that her sister-in-law (nanand) disclosed that she had been raped by her own father.

Learned counsel for the petitioner has submitted that in fact the victim has never come forward for making any such allegation and the complainant is in fact trying to malign reputation of her in-laws i.e. of the petitioner and of his daughter (victim) as a property dispute between the petitioner and his son i.e. Sukhjit Kaur's husband is pending.

Notice of motion for 5.11.2019.

The investigating agency to examine the feasibility by getting the statement of victim recorded in terms of Section 164 Cr.P.C.”

Pursuant to the aforesaid order, the investigating agency has got the statement of the victim recorded in terms of Section 164 Cr.P.C., wherein she has given clean-chit to the petitioner, who is her real father.

The petitioner as well as complainant as well as victim Manpreet Kaur are directed to appear before the Illaqa Magistrate/trial Court on 10.12.2019 for getting their statements recorded qua the factum compromise.

The Illaqa Magistrate/trial Court is directed to submit its report on or before the next date of hearing i.e. 5.3.2020 as regards authenticity and genuineness of compromise after recording statements of all the affected parties.

The Illaqa Magistrate/trial Court shall also furnish the following information:-

1. Whether there is any other accused other than the petitioner, arrayed in this petition?

2. Whether there is any other complainant or affected/ aggrieved party other than the respondents, arrayed in the petition?"

In pursuance to the afore-quoted order, a report dated 21.12.2019 by the Sub-Divisional Judicial Magistrate, Patti has been received as per which neither the petitioner nor respondent No.2 appear before the Trial Court to get their statements recorded.

In the light of the above as also for the reason that the petitioner seeks quashing of a FIR under Section 376 IPC which is a heinous offence, on the basis of a compromise, no merit is found in the present petition.

Dismissed.

March 28, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No