

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(129)

CRM-M-45988-2019

Date of Decision: 23.05.2022

Ashok Kumar

--Petitioner

Versus

State of U.T., Chandigarh & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- None for the petitioner.

Mr. Shashank Bhandari, Addl. P.P., U.T., Chandigarh.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for quashing of FIR No.118 dated 9.4.2018 registered under sections 376, 420 IPC at Police Station, Sector 36, Chandigarh along with all the subsequent proceedings arising therefrom on the basis of letter dated 30.11.2018 (Annexure P-2) and affidavit dated 3.8.2019 (Annexure P-3).

This petition came up for hearing for the first time on 29.10.2019 and was adjourned to 28.2.2020 to enable the learned counsel for petitioner to address the question of maintainability. Thereafter on 28.2.2020 and 18.4.2022 none appeared on behalf of the petitioner. Similar is the position even today.

The FIR in question pertains to the offence under section 376 IPC. A perusal of the FIR would show that the prosecutrix had levelled specific allegations of having mixed some intoxicant drug in the cold drink served to her by the petitioner and thereafter she was sexually exploited. The investigation commenced and thereafter petitioner had appended an affidavit contending therein that the matter has been duly compromised.

Learned State counsel, at the outset, submits that the matter is under investigation and the challan is yet to be presented.

From the perusal of the record and the submissions made by learned State counsel, it is apparent that the alleged offence falls under the category of “Heinous Crimes” Besides this, the case is under investigation. The conduct of the petitioner is writ large. On many occasions nobody was present on his behalf.

In view of the above circumstances, the compromise, as alleged cannot be taken into consideration for the offence falling in heinous offence i.e. section 376 IPC. The alleged compromise has no relevance in the facts and circumstances of the case.

In the overall facts and circumstances of the case, this Court finds no merit in this petition and the same is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

23.05.2022
lucky

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