

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

-.-

CRM M 27887 of 2014
Date of decision: 08.01.2015

Paramvir Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. P S Ahluwalia, Advocate
for the petitioners

Mr. Sandeep Kumar Bansal, A A G, Punjab
for the respondent State

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

Through the present petition filed under Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No. 3 dated 09.02.2013 registered at Police Station NRI Hoshiarpur, District Hoshiarpur for offence punishable under Section 498-A of the Indian Penal Code (in short, 'IPC') and proceedings emanating therefrom on the basis of compromise dated 20.02.2014 (Annexure P-2) arrived at between the parties.

In the present case, matrimonial discord between complainant

Naykiran Kaur (wife) and petitioner No. 1 Paramvir Singh (husband) led to

filing of aforesaid FIR. However, during pendency of the case, the matter has been amicably settled between the parties through mediation on 20.02.2014. As per the settlement/compromise arrived at between the parties, a divorce petition under Section under Section 13-B of the Hindu Marriage Act has already been filed and statement of the complainant stands recorded on 01.07.2014.

As petitioner No. 1 resides in abroad, he appointed/authorized Smt. Baljinder Kaur being his attorney to purse the present petition. Petitioner No. 1 has been declared as proclaimed offender.

Pursuant to the order dated 26.09.2014 passed by this Court, the Judicial Magistrate 1st Class, Hoshiarpur has reported that a valid compromise has been effected between Navkiran Kaur - complainant and accused Satnam Kaur (petitioner No. 2) and Baljinder Kaur attorney of Paramvir Singh (petitioner No. 1) without any undue influence, pressure or coercion.

Counsel for the State of Punjab has not disputed factual position that the parties have settled the dispute by way of compromise in view of the report of the trial Court. However, he has submitted that Paramvir Singh (petitioner No. 1) has been declared as proclaimed offender which disentitles him to seek indulgence of this Court.

I have heard counsel for the parties and perused the records.

Admittedly, petitioner No. 1 resides abroad (Sweden) and, for that reason, his presence could not be secured in the present proceedings. In respect of a person, who has been declared a proclaimed offender, the FIR is not normally quashed. However, in the instant case, the matter was compromised with the complainant, the mere fact that Paramvir Singh

(petitioner No. 1) was declared as proclaimed offender should not be allowed to come in the way to quash the proceedings. In this regard, reference can be made to a division Bench judgment of this Court in ***Sudo Mandal alias Diwarak Mandal v State of Punjab 2011(2) R.C.R. (Criminal) 453***. In this case, out of five accused, in a murder case, three were declared as proclaimed offenders and two accused arrested and sent up for trial, were convicted by the trial Court, but acquitted in an appeal by this court. This Court quashed the proceedings against absconding proclaimed offenders in exercise of power under section 482 Cr.P.C. with the observations that it would be empty formality to send them for trial on same unbelievable and untrustworthy evidence which would ultimately lead to their acquittal. Similarly, in ***Balbir Singh v. State of Punjab and another 2011 (3) R.C.R. (Criminal) 234***, this Court allowed quashing of proceedings of a criminal case at the behest of accused, who has been declared as proclaimed offender by holding that dispute is primarily civil in nature and the factum of the petitioner being declared as proclaimed offender should not create any impediment in the way to quash the proceedings.

Indisputably, the parties voluntarily, without any coercion, misrepresentation and undue influence, have entered into a compromise and the complainant has decided not to proceed with the matter any further in the interest of their peaceful living and harmony.

Keeping in view the authoritative enunciation of law laid down by this Court in ***Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052, Sudo Mandal alias Diwarak Mandal v State of Punjab 2011(2) R.C.R. (Criminal) 453, Balbir Singh v.***

State of Punjab and another 2011 (3) R.C.R. (Criminal) 234 and Hon'ble the Supreme Court in '***Madan Mohan Abbot v. State of Punjab***', (2008)4 SCC 582 and ***Gian Singh v. State of Punjab and another, 2012(4) R.C.R. (Criminal) 543***, and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would tantamount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

In this view of the matter, the petition is allowed and FIR No. 3 dated 09.02.2013 registered at Police Station NRI Hoshiarpur, District Hoshiarpur for offence punishable under Section 498-A IPC and proceedings emanating therefrom stand quashed qua the petitioners.

(Rekha Mittal)
Judge

08.01.2015

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