

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

**CRM-M No. 22894 of 2015
Date of decision: 01.12.2016**

Gurdial Singh & Others

...Petitioners

Versus

State of Punjab & Another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Maninder Singh Bawa, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab
for respondent No. 1-State.

None for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 65 dated 26.06.2013, registered under Sections 498-A, 420 and 120-B of the Indian Penal Code at Police Station 'B' Division, District Amritsar (Annexure P-1), on the ground that the matter has been settled amicably between the parties on 22.01.2015 before the Mediator, Mediation & Conciliation Centre, Amritsar (Annexure P-2).

At the very outset, it is noted that petitioner No. 4 being resident of the United States of America is represented through his father and special power of attorney, who is petitioner No. 1 herein. Petitioner No. 4 and the complainant/respondent No. 2 got married on 26.03.2003 but they came to be separated on account of various differences that arose which led to the lodging of the FIR No. 65 dated 26.06.2013 under the

aforesaid sections. During the proceedings of the FIR, petitioner No. 4 was declared as proclaimed offender by an order dated 22.04.2014 by the Court of learned JMIC, Amritsar. Thereafter, a compromise was effected between the parties on the intervention of the respectable persons and the said compromise was duly recorded before the Mediator, Mediation & Conciliation Centre, Amritsar on 22.01.2015. On the basis of the said compromise, the parties herein were directed to appear before the trial Court and get their statement recorded regarding genuineness of the compromise. The statement came to be recorded on 17.08.2016 in which the parties have accepted the said compromise. It would be pertinent to note that the complainant herein had already obtained an *ex parte* divorce against petitioner No. 4 by an order dated 05.11.2014 (Annexure P-4) and one of the terms of the said compromise was that the said decree would not be challenged.

Counsel for the respondent-State, at the moment, points out to the Court that petitioner No. 4 has been declared as proclaimed offender.

Per contra, learned counsel for the petitioners submits that petitioner No. 4 was not a resident of India at the time when the proclamation was issued and the said proclamation was not in consonance with law. Moreover, the respondent No. 2 herein had obtained an *ex parte* decree of divorce. In this regard, respondent No. 2 has given an affidavit (Annexure P-5), that she would have no objection in case the said FIR and all subsequent proceedings are quashed.

After having perused the decree of divorce and the affidavit filed, while taking note of the compromise that has been arrived between the

parties, this Court has no hesitation in holding that when a compromise has been arrived at between the parties in a matrimonial dispute, criminal proceedings including the order declaring petitioner No. 4 proclaimed offender can be quashed. Reliance in this regard can be placed upon a Division Bench judgment of this Court rendered in ***Sudo Mandal @ Diwarak Mandal vs. State of Punjab, 2011 (2) R.C.R. (Criminal) 453.***

Therefore, keeping in view the facts and circumstances as mentioned herein above and the law laid down in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052 and the*** judgment cited above, the present petition is allowed and the FIR No. 65 dated 26.06.2013, registered under Sections 498-A, 420 and 120-B of the Indian Penal Code at Police Station 'B' Division, District Amritsar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

December 01, 2016

Ansari

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No