

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

**CRM-M No. 41576 of 2014
Date of decision: 26.10.2016**

Rupinder Singh

...Petitioner

Versus

State of Punjab & Another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. G. K. Mann, Advocate
for the petitioner.

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

None for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 55 dated 27.05.2013 (**Annexure P-1**), registered under Sections 498-A, 406, 506 and 34 of the Indian Penal Code at Police Station Tarseeka, District Amritsar and all subsequent proceedings arising therefrom in view of the compromise (**Annexure P-2**) entered into between the parties.

It is contended by the counsel for the petitioner that respondent No. 2 had obtained an ex-parte decree of divorce from a court of competent jurisdiction and also suffered statement before the Judicial Magistrate First Class, Amritsar on 20.04.2015 as under : -

“The present F.I.R. was registered on my statement against Rupinder Singh. Now, the matter has been compromised with the intervention of the respectable of the village in the present case. The statement is given by me with free will and without any pressure.”

This Court by an order passed on 15.10.2015, while adjourning the matter, directed the Illaqa Magistrate to adjourn the matter pending before it beyond the date fixed by this Court. The parties were also directed to appear before the Illaqa Magistrate for recording of the statements of the

complainant and the petitioner regarding the genuineness of the compromise entered into. Pursuant to the said order passed, the parties appeared before learned JMIC, Baba Bakala Sahib (Amritsar), wherein the complainant specifically mentioned that the matter had been compromised with the intervention of the respectable of the village and the statement was given of her own free consent and that the respondent would withdraw case FIR No. 55 dated 27.05.2013 registered Police Station Tarseeka, District Amritsar and all other cases as well.

A report has been received from learned JMIC, Baba Bakala Sahib (Amritsar) wherein an opinion has been given that the parties have arrived at a compromise without any undue influence or coercion.

At this stage, counsel for the respondent-State, on instructions from ASI Tarsem Singh, submits that the petitioner herein has been declared as a proclaimed offender in the aforesaid proceedings by an order dated 17.10.2015 and as such without getting the order declaring him as a proclaimed offender set aside, the proceedings in aforesaid FIR should not be set aside.

I have heard learned counsel for the parties, perused the record and take note of the fact that there was a specific order that was passed by this Court on 15.10.2015 wherein specific directions had been issued for the Illaqa Magistrate to adjourn the case beyond the date fixed by this Court. The date fixed by this Court was 18.12.2015. However, Illaqa Magistrate without taking note of the order, that has been passed by this Court to simply adjourn the case listed before him beyond the date fixed by this Court, proceeded to declare the petitioner herein as a proclaimed offender.

In view of the fact that the matter has been compromised and statement has been got recorded by the parties before learned JMIC, Baba Bakala Sahib (Amritsar) and the respondent No. 2-complainant has already remarried, it would be in the interest of justice and in the circumstances of the instant case that the FIR so lodged is quashed and set aside. The arguments as raised that the petitioner has been declared as a proclaimed offender and the FIR proceedings should not be quashed are noted to be rejected only on account of the fact that there was a specific direction given by this Court to adjourn the matter beyond the date fixed by it, which was

not taken into account by the Illaqa Magistrate while declaring the petitioner as a proclaimed offender.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Cr.) 543***, this petition is allowed and FIR No. 55 dated 27.05.2013 (**Annexure P-1**), registered under Sections 498-A, 406, 506 and 34 of the Indian Penal Code at Police Station Tarseeka, District Amritsar and all subsequent proceedings arising out of the same are quashed qua the petitioner. The order declaring the petitioner as a proclaimed offender is also set aside.

The petition stands disposed of.

October 26, 2016

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No