

236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23702-2016(O&M)

Date of decision: 07.09.2017

Paramjit Kaur and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amandeep Saini, Advocate
for the petitioners.

Mr. Randeep Singh Khaira, AAG, Punjab.

Mr. R.S.Sekhon, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

The petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioners seeking quashing of FIR No.235 dated 07.12.2011 (Annexure P-1), under Sections 294, 500, 501 IPC and Section 67 IT Act 2000, registered at Police Station Samrala, District Ludhiana, on the basis of compromise.

The FIR, which was registered on the instance of respondent No.2 Karnail Singh, and on completion of investigation by the police, later on, challan was submitted. It was only during the stage, when the prosecution evidence was going on before the trial Court, the parties entered into a compromise. Counsel for the petitioners submits that petitioner No.1 Paramjit Kaur and complainant- Karnail Singh were husband and wife and their marriage was solemnized on 29.07.1992. Out of this wedlock, 4 children were born out. However, due to registration of the aforesaid FIR, the relationship between petitioner No.1 and respondent No.2-complainant

became strained and ultimately, the petition under Section 13-B of the Hindu Marriage Act was filed and vide the judgment dated 26.09.2016, the marriage between petitioner No.1 and respondent No.2-complainant has been dissolved by way of a decree of divorce. It is further submitted that respondent No.2 has already performed second marriage and the petitioners have no interference in his personal life.

Vide order dated 09.11.2016, the parties were directed to appear before the trial Court for recording the statements of the parties and the trial Court was also directed to report, if any accused is proclaimed offender or not. The trial Court has submitted a report through District and Sessions Judge, Ludhiana and as per report, petitioner No.4-Kuldeep Kumar has been declared as a proclaimed offender, vide order dated 15.05.2013 and on his behalf, his attorney- Jagdeep Singh has suffered a statement with regard to compromise.

A perusal of the statement of Karnail Singh, complainant-respondent No.2 shows that he has compromised the matter with all the four accused-petitioners including aforesaid Kuldeep Kumar and has stated that he has no objection if the proceeding regarding FIR is quashed. Similar statement has been made by the petitioners accused persons.

Learned counsel for the petitioners submits that in fact, petitioner No.4 has travelled abroad on 26.11.2010 and has never returned back to India whereas, the FIR was registered subsequently, on 07.12.2011.

Learned State counsel, on instructions from HC Baljinder Singh has also stated that except petitioner No.4, no other petitioners are declared as a proclaimed offender.

Since the parties have entered into a valid compromise and

have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue. Moreover that petitioner No.1 is mother of four children and she has to take care of them. The present petition is allowed and the FIR No.235 dated 07.12.2011 (Annexure P-1), under Sections 294, 500, 501 IPC and Section 67 IT Act 2000, registered at Police Station Samrala, District Ludhiana and all the consequential proceedings, arising therefrom, are ordered to be quashed qua petitioners No.1 to 3.

So far petitioner No.4 is concerned, since he has been declared as a proclaimed offender by the trial Court but the respondent No.2-complainant has suffered a statement that he has compromised the matter with petitioner No.4 as well who has filed the present petition through his attorney-Jagdeep Singh, the FIR and further proceedings in pursuance thereto, are also ordered to be quashed on the condition that petitioner No.4 will deposit cost of Rs.1 lac (1,00,000/-) with the District Legal Services Authority at Ludhiana on or before 31.10.2017. In case, petitioner No.4 fails to deposit the costs, this order qua petitioner No.4 shall stand revived and the present petition qua petitioner No.4 shall stand dismissed. The trial Court will consign the file to record room only after the petitioner No.4 has deposited the costs.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

07.09.2017
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No