

CRM No. M-41956 of 2017

1

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

**CRM No. M-41956 of 2017
Date of Decision : 15.01.2018**

Sarbjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Gagan Deep Grewal, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill,
Assistant Advocate General, Punjab.

Arvind Singh Sangwan, J.(Oral)

Prayer in this petition is for quashing of FIR No. 36 dated 20.03.2012, under Section 420 IPC, registered at Police Station Morinda, District Rupnagar (Annexure P-2), on the basis of compromise dated 13.07.2017 (Annexure P-4) as well as order dated 10.07.2013 (Annexure P-3), vide which the petitioner was declared as proclaimed offender.

Vide order dated 08.11.2017, the parties were directed to appear before the trial Court for recording of their respective statements with regard to compromise and the trial Court was directed to submit a report, if the compromise is genuine, voluntary and without any coercion or undue influence and if any of the accused person is a proclaimed offender or not. Additionally, it was directed that the petitioner Sarbjit Singh, who was declared a proclaimed offender on 10.07.2013, he shall appear before the trial Court and the trial Court will release him on interim bail subject to

deposit of costs of ₹1lac in the Government Treasury.

Learned counsel for the petitioner submits that the petitioner had appeared before the trial Court and he was released on interim bail. Learned counsel has placed on record a receipt issued by the Treasury dated 22.12.2017 for deposit of ₹1lac as costs.

The trial Court has submitted a report dated 03.01.2018 that the petitioner-Sarbjit Singh as well as complainant Randeep Kaur has appeared before the Court and made a statement that the matter has been compromised and the complainant has already received an amount of ₹8,50,000/- from the petitioner. She has also stated that it is a matrimonial dispute and as per the compromise, they have settled all their disputes. Similar statement has been made by the petitioner.

The trial Court has further reported that the petitioner Sarbjit Singh has been granted interim bail, he is not a proclaimed offender and the parties have voluntarily declared that they have compromised the matter.

As per the Full Bench judgment of this Court in ***Kulwinder Singh and others Vs. State of Punjab***, 2007(3) RCR(Criminal) 1052, wherein it is held that High Court has empowered under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution, where the High Court observe that the same was required to prevent the abuse of the process of any court or to otherwise secure the ends of justice. The present case falls in the category of those cases.

Since the petitioner has appeared before the trial Court

and has been released on interim bail, the order dated 10.07.2013 declaring him to be a proclaimed offender is also set-aside as he has deposited the costs of proceedings of ₹1lac in the Government Treasury.

Since the petitioner and respondent No. 2 were husband and wife and they have sorted out all their matrimonial disputes and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, the present petition is allowed. FIR No. 36 dated 20.03.2012, under Section 420 IPC,registered at Police Station Morinda, District Rupnagar along with all consequential proceedings arising therefrom, are ordered to be quashed qua the petitioner only.

January 15, 2018.
kanchan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No