

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

Crl. Misc. M 43723 of 2017 (O&M)
Date of decision: 24.4.2018

Ranvir Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kuldeep Singh, Advocate
for the petitioner.

Mrs. Anju Arora, Additional Advocate General, Punjab.

Mr. K.S. Dadwal, Advocate,
for respondent No.2.

JAISHREE THAKUR, J.

This is a petition that has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 36 dated 5.6.2012 (Annexure P/1) registered under Sections 498-A and 406 IPC at Police Station Chabbewal, District Hoshiarpur, on the basis of the compromise dated 20.9.2017 arrived at between the parties (Annexure P/3).

In brief the facts are that a marriage was solemnized between the petitioner and respondent No.2—Gurpreet Kaur. However, on account of cruelty, demand of dowry and matrimonial discord, the aforesaid FIR came to be registered against the petitioner—Ranvir Singh, his father, mother, brother and wife of the brother. Apart from the FIR, a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005

was also filed against the petitioner and his family members. In these proceedings, the matter was compromised between the parties and the complainant suffered a statement to the effect that a compromise has arrived at between the parties, therefore, the petition under Section 12 of the Domestic Violence Act was withdrawn on the statement given by the complainant. Apart from this, respondent No.2 became hostile in case titled as State Versus Ranvir Singh filed in the court of Judicial Magistrate Ist Class, Hoshiarpur, in which all the accused, except the petitioner, were acquitted. Moreover, a petition under Section 13-B of the Hindu Marriage Act was also preferred, in which respondent No.2 suffered a statement to the effect that the matter has been compromised and that she would receive ₹7,00,000/- towards her past, present and future maintenance and dowry articles, out of which she has received ₹3,50,000/-. Since the matter has been compromised between the parties, the instant petition was filed seeking quashing of the FIR.

At this stage, it is relevant to mention here that in the FIR, the petitioner was declared as proclaimed offender since he was residing in Italy at that time. However, on the basis of the compromise arrived at, as already noticed, respondent No.2 turned hostile and as such, all the accused except the petitioner were acquitted and the petitioner was directed to appear and surrender.

Mr. K.S. Dadwal, Advocate, has put in appearance on behalf of respondent No.2. He admits that a decree of divorce has been granted by the learned Additional District Judge, Hoshiapur on 7.4.2018, in which it has

been noticed that the matter has been compromised between the parties, while also noticing that the fact that the parties have decided to settle the dispute mutually against each other at ₹7,00,000/- out of which respondent No.2 has received ₹3,50,000/- and one gold bracelet, gold chain and a pair of ear rings and the balance amount would be paid at the time of recording of statement at the second motion. It is also noticed in the said order that the case under Section 12 of the Domestic Violence Act stood withdrawn and in another case all the accused were acquitted. Learned Additional District Judge, Hoshiarpur, dissolved the marriage under Section 13-B of the Marriage Act.

Learned State counsel pointed out that the petitioner has been declared as proclaimed offender and has not surrendered before the trial court in the proceedings under the FIR.

In this regard, it is submitted that the petitioner was residing abroad when the proclamation proceedings were initiated against him and there was no compliance of Section 82 of the Code of Criminal Procedure, in so far as no proper service was effected.

Be that as it may, a Division Bench of this in case **Sudo Mandal @ Diwarak Mandal V. State of Punjab 2011 (2) RCR (Criminal) 453** and Single Bench of this Court in cases **Sanjay Sarin V. State (Union Territory, Chandigarh) 2013 (3) RCR (Criminal) 138** as well as **Deepak Arora V. State of Haryana and another 2015 (7) RCR (Criminal) 649** has held that criminal proceedings including the order declaring a person as proclaimed offender can be quashed when there is a

compromise between the parties.

Admittedly, the petitioner was residing abroad 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 and the mere fact that petitioner was declared as proclaimed offender should not be allowed to come in the way of quashing the proceedings. Furthermore, in view of the compromise, when the complainant party is not going to support the prosecution story, then no useful purpose would be served to direct the petitioner to face trial. The petitioner is in foreign country and the present petition has been filed through his special power of attorney, Sh. Harbhajan Singh, who is the father of the petitioner.

Learned counsel for the parties admit to the fact that the compromise and in terms of the compromise, a sum of ₹3,50,000/- by way of demand draft has been handed over to the complainant/Gurpreet Kaur/respondent No.2, as balance payment of the settled amount. The complainant also states that she would have no objection, in case the FIR and the subsequent proceedings arising therefrom are quashed qua the petitioner.

Consequently, keeping in view the fact that matrimonial dispute has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another (2014) 6 SCC 466**, this petition is allowed and FIR No. 36 dated

5.6.2012 (Annexure P/1) registered under Sections 498-A and 406 IPC at Police Station Chabbewal, District Hoshiarpur, on the basis of the compromise dated 20.9.2017 arrived at between the parties (Annexure P/3) and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

24.4.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No