

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

CRM-M-7928-2018 (O&M)

Date of Decision:03.12.2018

Kamaljit Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM : HON'BLE MS. JUSTICE JAISHREE THAKUR

Present : Mr. S.S. Sarwara, Advocate
for the petitioner.

Mr. Balbir Singh Sewak, Addl. A.G. Punjab.

Mr. Gaurav Gupta, Advocate
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.70 dated 04.06.2014 registered under Sections 406/498-A Indian Penal Code at Police Station Women Cell, Patiala, District Patiala, Punjab (Annexure P-1) as well as order dated 17.08.2015 (Annexure P-2) whereby petitioner has been declared as proclaimed offender and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2).

The FIR is result of matrimonial dispute. However, now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the directions, a report has been received from Judicial Magistrate Ist Class, Patiala, stating that the compromise arrived at

between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned State counsel on instructions from the Investigating Officer and learned counsel for respondent No.2-complainant admit the factum of compromise. However, learned counsel for the State raises an objection that petitioner stand declared as proclaimed offender and, therefore, the proceedings qua him ought not be quashed.

I have heard learned counsel for the parties and have gone through the record.

Argument of the learned State counsel that petitioner stand declared proclaimed offender and therefore, proceedings qua him ought not be quashed is not sustainable on account of the fact that petitioner is shown to have left India on 25.04.2014 for USA and as such he was not in India when the FIR was lodged on 4.6.2014. There is nothing available on record to show that efforts were made to serve the petitioner through Embassy.

In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility as the chances of ultimate conviction are bleak.

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 **Narinder Singh and others v. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.70 dated

04.06.2014 registered under Sections 406/498-A Indian Penal Code at Police Station Women Cell, Patiala, District Patiala, Punjab (Annexure P-1) and all subsequent proceedings arising out of the same are quashed and also order dated 17.8.2015 whereby petitioner was declared as proclaimed offender is set aside.

The petition stands disposed of.

03.12.2018

rajeev

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No