

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

253

CRM-M-1853-2016(O&M)

Date of Decision:28.11.2019

Balbir Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. K.S. Boparai, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.005 dated 27.12.2012 under Sections 406, 420, 498-A IPC, registered at Women Police Station, Jagraon, District Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 15.09.2015(Annexure P-3). Challenge has also been laid to the order dated 08.07.2013(Annexure P-6), whereby the petitioner has been declared as proclaimed offender.

Learned counsel for the petitioner has argued that the aforesaid FIR was registered at the behest of complainant-respondent No.2. The matter has been otherwise compromised between the parties vide compromise dated 15.09.2015(Annexure P-3). He further states that even respondent No.2 has sought a decree of divorce from the court of Additional

He further states that since respondent No.2 has filed a petition under Section 13(1) of the Hindu Marriage Act and learned Additional District Judge, Ludhiana vide judgment dated 05.08.2016 has passed the decree of divorce in favour of respondent No.2 and the said decree has attained finality as no such appeal has been preferred by the petitioner against the aforesaid decree. He further states that co-accused of the petitioner in the said FIR i.e. Gurmeet Kaur and Harnek Singh, who are parents of the petitioner, respectively, have also approached this Court by way of **CRM-M-28727-2014(Gurmeet Kaur and another Versus State of Punjab and another)**, so as to seek quashing of FIR on the basis of compromise and this Court vide judgment dated 22.07.2016 had quashed FIR No.005 dated 27.12.2012 under Sections 420, 498-A IPC, registered at Women Police Station, Jagraon, District Ludhiana qua them. He further states that now respondent No.2 has lost interest and despite having been served in the case, she is not coming forward to depose in favour of the petitioner. In terms of the compromise, respondent No.2 has received an amount of Rs.3,50,000/- from the petitioner-accused.

Learned State Counsel has no serious opposition in case FIR in question on the basis of compromise is quashed.

The relevant file i.e. CRM-M-28727-2014 filed by the parents of the petitioner, titled as **Gurmeet Kaur and another Versus State of Punjab and another**, wherein the complainant was impleaded as respondent No.2 has been summoned. Statement made by respondent No.2-complainant has been perused. Moreover, in the said file, learned District & Sessions Judge has forwarded the report dated 22.12.2015 of learned Sub Divisional Judicial Magistrate, Jagraon, wherein learned Magistrate has

shown his satisfaction as regards genuineness of the compromise, which is accompanied with the statement of complainant-respondent No.2-Jasbir Kaur.

Considering the fact that the matter has been compromised between the parties, which is otherwise apparent from the statement made by complainant-respondent No.2 in connected petition i.e. CRM-M-28727-2014 and is well evident from the compromise dated 15.09.2015(Annexure P-3), which has duly been signed by the complainant, this Court finds that the present petition deserves to be accepted. Moreover, it being a matrimonial dispute between the parties and the petitioner was otherwise declared as proclaimed offender having appeared before the trial Court and was admitted on bail, this Court finds that no useful purpose would be served to continue with the proceedings.

The conduct of the complainant-respondent No.2 is apparent that after accepting money, she is not intending to cooperate with the proceedings.

Accordingly, the present petition is allowed and FIR No.005 dated 27.12.2012 under Sections 406, 420, 498-A IPC, registered at Women Police Station, Jagraon, District Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom as well as the order dated 08.07.2013(Annexure P-6), whereby the petitioner was declared as proclaimed offender, are hereby quashed qua him(petitioner) on the basis of compromise dated 15.09.2015(Annexure P-3).

November 28, 2019

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No