

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

CRM-M-31924 of 2019.

Decided on:- October 22, 2019.

Amrik Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. Mahender Singh Chahal, Advocate for
Ms. Amanjeet Kaur Jammu, Advocate 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.332 dated 19.11.2008 under Sections 406 and 498-A IPC registered at Police Station Sadar Jalandhar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom including the order dated 31.10.2011 (Annexure P-2) passed by learned Additional Chief Judicial Magistrate, Jalandhar whereby the petitioner was declared as proclaimed offender on the basis of compromise dated 01.03.2018 (Annexure P-3).

This Court vide order dated August 20, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise. It was further ordered that since the petitioner was a proclaimed offender, but considering the fact that it is a matrimonial dispute between the parties, who have now decided to stay

together as husband and wife along with their son, in case the petitioner surrenders before the trial Court within a week from that date, he shall be admitted on bail subject to furnishing of his adequate bail bonds/surety bonds to the satisfaction of the trial Court. However, this will be subject to deposit of costs of Rs.1,00,000/- with the Poor Patients Welfare Fund of the Post Graduate Institute of Medical education and Research (PGIMER), Chandigarh.

Pursuant to the aforesaid order, respondent No.2-complainant Ranvir Kaur had appeared before learned Additional Chief Judicial Magistrate, Jalandhar and got her statement recorded on 30.08.2019. On the basis of the statements so recorded by respondent No.2, learned Magistrate has submitted the report dated 31.08.2019 to the effect that though respondent No.2-complainant has appeared and made a statement that she has arrived at compromise with the petitioner voluntarily and without any pressure from any side and they are living as husband and wife along with their son at village Hardo Pharola, Jalandhar. However, neither the petitioner had surrendered there nor he had deposited the costs of Rs.1 lakh as ordered by this Court on 20.08.2019.

Vide order dated September 03, 2019, this Court had granted another opportunity to the petitioner to surrender before the trial Court as he had deposited the costs of Rs.1 lakh in terms of order dated 20.08.2019 passed by this Court.

He has further contended that the petitioner and respondent No.2 are staying together as husband and wife and on August 20, 2019, the

respondent No.2 was present in person along with the petitioner before this Court. Since the petitioner was required to go back to USA, statement of respondent No.2 only was recorded by learned Magistrate on 30.08.2019 in support of compromise. However, the statement of the petitioner could not be recorded as he was short of funds and could not deposit the costs in terms of order dated 20.08.2019 passed by this Court. However, later on, he had deposited the payment of costs and has been admitted on bail by the trial Court.

He has further submitted that in compliance of the order dated 03.09.2019 passed by this Court, the petitioner has surrendered before the trial Court and has been admitted on bail vide order dated 09.09.2019 passed by learned Additional Chief Judicial Magistrate, Jalandhar. He has produced a copy of the said order, which is taken on record.

Learned counsel for respondent No.2-complainant does not dispute the factum of compromise and states that the respondent No.2 has already made a statement before learned Magistrate on 30.08.2019 in support of compromise and thereafter, she has gone back to USA, where she is permanent resident.

Learned State counsel has not disputed the factum of compromise effected between the parties.

Considering the fact that it being a matrimonial dispute and the petitioner and respondent No.2-complainant are staying together along with their son, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

Hon'ble Supreme Court in ***Gold Quest International Private Limited Versus State of Tamil Nadu and others 2014 (4) RCR (Criminal) 206*** has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as well as the law laid down in ***Gold Quest International Private Limited's case (supra)***, the present petition is allowed and the FIR No.332 dated 19.11.2008 under Sections 406 and 498-A IPC registered at Police Station Sadar Jalandhar, District Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner including the order dated 31.10.2011 (Annexure P-2) passed by learned Additional Chief Judicial Magistrate, Jalandhar whereby the petitioner was declared as proclaimed offender on the basis of compromise dated 01.03.2018 (Annexure P-3).

October 22, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No