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**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Date of decision :17.12.2020

1. CRM-M-3988-2020 (O&M)

Dharminder SinghPetitioner
Versus
State of Punjab and anotherRespondents

2. CRM-M-55491-2019 (O&M)

Dharminder SinghPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Jasvinder Saini, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J.

Heard through video conferencing.

The present order shall dispose of two petitions bearing
CRM-M No.3988-2020 and CRM-M No.55491-2019.

The petitioner in both the cases is Dharminder Singh.

The petition bearing CRM-M No.3988 of 2020 has been
filed under Section 482 of the Code of Criminal Procedure, 1973 for
quashing of FIR No.0036 dated 21.04.2018 under Sections 498-A, 406 of
the Indian Penal Code, 1860 registered at Police Station Sadar Rupnagar,
District Rupnagar (Punjab) and all the consequential proceedings arising
there-from, on the basis of a compromise dated 20.11.2019.

The second petition bearing CRM-M No.55491 of 2019 has

been filed for quashing of impugned order dated 19.01.2019 and the consequential proceedings arising there-from, passed by the Judicial Magistrate First Class, Rupnagar in case arising out of FIR No.0036 dated 21.04.2018 registered at Police Station Sadar Rupnagar, District Rupnagar (Punjab) under Sections 498-A, 406 of the Indian Penal Code, 1860vide which the present petitioner has been declared as proclaimed offender.

The brief facts relevant to the present cases are that the petitioner and Harpreet Kaur-complainant (respondent No.2 in CRM-M No.3988 of 2020) got married on 07.01.2015. There is a girl child out of the wedlock. There were matrimonial differences between the parties. On 21.04.2018, on a complaint by Harpreet Kaur, a FIR was lodged against the petitioner under Sections 498-A, 406 IPC. The petitioner was in Oman when the FIR was registered against him. Vide order dated 19.01.2019 passed by the JMFC, Rupnagar the petitioner was declared as a proclaimed offender. On 20.11.2019 the parties entered into a written compromise and settled their differences. Thereafter, on 20.12.2019, the petitioner filed CRM-M No.55491 of 2019 for quashing of the order dated 19.01.2019 passed by the JMFC, Rupnagar. On 20.01.2020 the petitioner filed CRM-M No.3899 of 2020 for quashing of the FIR No.0036 on the basis of the compromise dated 20.11.2019.

Vide order dated 19.02.2020 passed in CRM-M No.55491 of 2019 the petitioner was directed to appear before the Trial Court on or before 24.03.2020 and on his appearance, the petitioner was to be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Trial Court. Pursuant to the order passed by this Court, the petitioner

admitted on bail by the Duty Magistrate, Rupnagar. He has since been on bail and there is no other criminal case pending against him.

Vide order dated 25.09.2020 passed in CRM-M No.3988 of 2020 this Court directed the parties i.e. the petitioner and Harpreet Kaur-complainant to appear before the Illaqa Magistrate/Trial Court to get their statements recorded regarding the genuineness of the compromise.

Pursuant to the orders passed by this Court, the statements of the parties were recorded by the JMIC, Rupnagar on 29.05.2020. Both the parties admitted having entered into a compromise. Harpreet Kaur-complainant stated that the parties have already got a divorce under Section 13-B of the Hindu Marriage Act, 1955 and that she has no objection if FIR No.0036 dated 21.04.2018 under Sections 498-A and 406 of the Indian Penal Code, 1860 registered at Police Station Sadar Rupnagar is quashed. The report by the JMIC, Rupnagar also states that pursuant to the order passed by this Court on 19.02.2020 in CRM-M No.55491 of 2019, the petitioner had appeared and joined the Court proceedings and he has since been admitted on bail.

Learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court rendered in ***“Gian Singh V/s State of Punjab & Anr.” 2012 (10) SCC 303*** and the Larger Bench's judgment of this Court in ***“Kulwinder Singh & Ors. Vs. State of Punjab & Anr.” 2007 (3) RCR (Criminal) 1052*** wherein it has been held that even in non-compoundable offences, if the parties have entered into a compromise, this Court has wide powers under Section 482 Cr.P.C. to quash the proceedings to prevent abuse of law and secure the ends of justice.

Learned counsel for the petitioner has also contended that in

surrendered and joined the Court proceedings and has now been admitted on bail. Learned counsel for the petitioner has further contended that since the substantive offence already stood compromised between the accused and the complainant, the order dated 19.01.2019 passed by the JMIC, Rupnagar declaring him as a proclaimed offender deserves to be quashed.

Per contra, learned counsel for the State has contended that both the offences are different and under different provisions of law and as such there was no basis for quashing the order dated 19.01.2019 whereby the petitioner had been declared as proclaimed offender.

I have heard learned counsel for the parties.

In CRM-M No.3988 of 2020, pursuant to the order passed by this Court on 25.09.2020, a report has been received from the JMIC, Rupnagar wherein it has been stated that the parties have voluntarily entered into a compromise and as per the statement of Harpreet Kaur-complainant, divorce has already been granted by way of mutual consent. It has further been noticed in the report that pursuant to the order passed by this Court on 19.02.2020 in CRM-M No.55491 of 2019, the petitioner had appeared and joined the Court proceedings and has since been admitted on bail.

In view of the report submitted by the JMIC, Rupnagar it is patent that the substantive offence already stands compromised between the parties. No useful purpose would be served in allowing the criminal proceedings to continue. The petition bearing CRM-M No.3988 of 2020 is, accordingly, allowed and FIR No.0036 dated 21.04.2018 under Sections 498-A, 406 of the Indian Penal Code, 1860 registered at Police

Station Sadar Rupnagar, District Rupnagar (Punjab), and all the consequential proceedings arising there-from, is quashed.

The petition bearing CRM-M No.55491 of 2019 also deserves to be allowed. Subsequent to the passing of the order dated 19.01.2019 declaring the petitioner as a proclaimed offender, the petitioner and Harpreet Kaur-complainant have compromised the matter and she has expressed her no objection to the quashing of FIR No.0036. Since the substantive offence already stands compromised between the petitioner and Harpreet Kaur-complainant, the continuation of the prosecution of the petitioner under Section 174 IPC would be nothing but an abuse of the process of law. Consequently, the order dated 19.01.2019 passed by the JMIC, Rupnagar, and all the consequential proceedings arising there-from, is quashed.

Both the petitions are, accordingly, allowed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

1712.2020
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO