

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

CRM-M-16727 of 2018 (O&M)
Date of Decision: January 10, 2020

Nasib Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Surinder Sharma, Advocate
for petitioners No.3 and 4.

Petition qua petitioners No.1 and 2 stands withdrawn on
13.11.2018.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

Mr. Naveen Sharma, 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.135 dated 25.12.2019 registered under Sections 406, 498-A of Indian Penal Code at Police Station Bhogpur, District Jalandhar (Annexure P/1) as well as orders dated 03.08.2010 and 20.09.2016 (Annexures P-7 and P-8) whereby, petitioners No.3 and 4 have been declared as proclaimed persons and all subsequent proceedings arising therefrom in view of the compromise.

In brief, the facts of the case are that a marriage was solemnized between petitioner No.3-Surjit Singh and respondent No.2/complainant-Parminder Kaur on 15.02.2006, which did not survive the

test of time. Consequently, complainant namely Parminder Kaur-respondent No.2 lodged the aforesaid FIR against persons Nasib Singh son of Darshan Singh (father-in-law), Gurbachan Kaur wife of Nasib Singh (mother-in-law), Surjit Singh son of Nasib Singh (husband) and Jaspreet Kaur Nijher (sister-in-law). Respondent No.3 (husband) and respondent No.4 (sister-in-law) were residing abroad and did not put in an appearance before the Judicial Magistrate Ist Class, Jalandhar, but the Judicial Magistrate Ist Class, Jalandhar convicted Sh. Nasib Singh and Smt. Gurbachan Kaur on merits for the offence under Section 498-A of Indian Penal Code and released them on probation under Section 4(1) of Probation of Offender's Act, while keeping the proceedings alive against petitioners No.3 and 4, after having declaring them as proclaimed person. Aggrieved against the release of Nasib Singh and Gurbachan Kaur on probation, the complainant preferred an appeal before the Addl. Sessions Judge, Jalandhar bearing Criminal Appeal No.642 of 2015. During the pendency of the said appeal before the Addl. Sessions Judge, the matter was compromised by Nasib Singh and Gurbachan Kaur with complainant-Parminder Kaur, which compromise was duly taken note of by Addl. Sessions Judge, after taking her statement down. As per the statement of complainant, a total amount of ₹ 17,50,000/- in lump sum was received by her towards maintenance, alimony and *Istridhan* being full and final settlement. She has also stated that she has executed a compromise deed and sworn a separate affidavit giving her no objection to the quashing of the FIR in question, while further stating that in case, she did not make a statement towards her no objection for the quashing of the FIR, she would be liable to return the entire amount

received in terms of the compromise. Thereafter, on the basis of the compromise, complainant-Parminder Kaur withdrew her said appeal filed before the Addl. Sessions Judge, Jalandhar. Subsequent thereto, the complainant has also obtained a decree of divorce by filing a petition under Section 13 of Hindu Marriage Act. Now, the instant petition has been filed by petitioners No.3 and 4 for quashing of the FIR on the basis of compromise arrived at between the parties as well as order dated 03.08.2010 and 20.09.2016 (Annexures P-7 and P-8) by which petitioners No.3 and 4 were declared as proclaimed person.

Counsel for the petitioner herein submits that petitioners No.3 and 4 were residing abroad and that there was no effective service upon them of the proceedings that had been initiated against them under the FIR in question, while further arguing that petitioner No.4, being married sister of husband of the complainant, had no role to play in the day-to-day married life of the complainant and had been wrongly implicated in the present case. It is prayed that since the matter has already been compromised between the parties and the complainant has already received the lump sum amount towards full and final settlement and that divorce has already been granted, the proceedings under the FIR in question as well as the orders passed by the Judicial Magistrate Ist Class, Jalandhar declaring petitioners No.3 and 4 as proclaimed persons are liable to be quashed.

Counsel appearing on behalf of respondent No.2-complainant very fairly submits that the matter in fact, has been compromised and respondent No.2-complainant has already suffered a statement to this effect before the Addl. Sessions Judge, Jalandhar that she would have no objection

in case, the FIR in question is quashed, therefore, he has no objection in case, the FIR in question as well as the impugned orders declaring petitioners No.3 and 4 as proclaimed persons are hereby quashed. He also submits that entire payment, as per the compromise, stands already received by the complainant and a divorce has already been obtained as well.

Learned State counsel, on instructions from the Investigating Officer admits to the factum of compromise and submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

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

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 vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.135 dated 25.12.2019 registered under Sections 406, 498-A of Indian Penal Code at Police Station Bhogpur, District Jalandhar as well as orders dated

03.08.2010 and 20.09.2016 (Annexures P-7 and P-8) whereby, petitioners No.3 and 4 have been declared as proclaimed persons and all subsequent arising out of the same are hereby quashed qua petitioners No.3 and 4 herein.

The petition stands disposed of.

January 10, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No