

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

CRM-M-7526-2021

Date of Decision: September 20, 2022

Naudh Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jagjot Singh Lalli, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl.A.G., Punjab.

Mr. Karan Bansal, Advocate,
for Mr. Achin Gupta, Advocate,
for respondent no.2.

Vivek Puri, J.

The petitioner has approached this Court by way of instant petition under Sections 482 of the Code of Criminal Procedure invoking the inherent jurisdiction for quashing the FIR No. 194, dated 30.08.2014, under Sections 406 / 498-A of the Indian Penal Code, registered at Police Station Phase-I, S.A.S. Nagar and subsequent proceedings arising therefrom on the basis of the compromise dated 11.02.2021 (Annexure P-5) and further for quashing the order dated 11.03.2015 (Annexue P-3) passed by the Court of learned Chief Judicial Magistrate, S.A.S. Nagar, Mohali,

whereby the petitioner has been declared as proclaimed offender.

On 17.02.2021, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get recorded their statements regarding compromise and it was further directed that after recording their statements, the learned trial Court/Illaq Magistrate shall send a report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party.

In compliance of the order dated 17.02.2021, the learned Chief Judicial Magistrate, SAS Nagar, Mohali, has sent the following report:-

“Most respectfully, it is submitted that in pursuance of order dated 18.04.2022 in CRM-M-7526 of 2021 titled as Naudh Singh vs State of Punjab in relation to FIR No. 194 dated 30.08.2014, U/s 406, 498-A IPC, PS Phase-I, Mohali, complainant Paramveer Kaur wife of Naudh Singh and accused Naudh Singh S/o Gursharan Singh appeared on 09.05.2022 and have got recorded their statement with regard to compromise.

In her statement complainant Paramveer Kaur has stated that as per her statement FIR No. 194 dated 30.08.2014, U/s 406, 498-A IPC, PS Phase-1, Mohali was registered against Naudh Singh who is her husband. The matter has been compromised between her and the

accused Naudh Singh. The compromise is genuine, voluntary and without any coercion or under influence. Photocopy of compromise Mark C-1. She has brought her Aadhaar Card towards her identity. Photocopy of the same is Mark C-2. No accused is proclaimed offender in the present FIR. There is one another FIR No. 28, Dated 11.02.2014, U/s 379 IPC, PS Phase-1, Mohali against Naudh Singh. In that FIR also compromise is effected between them. There is only one accused in this FIR. Naudh Singh was PO in FIR No. 194 dated 30.08.2014, U/s 406, 498-A IPC, PS Phase-1, Mohali and with regard to that order proceedings are being stayed by Hon'ble Punjab and Haryana High Court. She has no objection if this FIR is quashed.

Similarly, accused Naudh Singh has stated that the matter has been compromised between him and the complainant Paramveer Kaur. The compromise is genuine, voluntary and without any coercion or undue influence. He was PO in FIR No. 194 dated 30.08.2014, U/s 406, 498-A IPC, PS Phase-1, Mohali and proceedings with regard to this is stayed by the Hon'ble Punjab and Haryana High Court. There is one another FIR i.e FIR No. 28 dated 11.02.2014, U/s 379 IPC, were registered at P.S. Phase-1, Mohali against the accused Naudh Singh S/o Gursharan Singh. He is not proclaimed offender in the present case and no P.O. proceedings are pending against any party in the present case as per record. There is only one victim/complainant in both the cases

namely Paramvir Kaur Sarah W/o Naudh Singh D/o Raghuvir Singh. The accused Naudh Singh is not involved in any other FIR.

It is further respectfully submitted that the perusal of these statements so recorded shows that the compromise effected between the parties in relation to FIR No. 194 dated 30.08.2014, U/s 406, 498-A IPC, PS Phase-1, Mohali, is voluntary, genuine and valid. Accused was declared Proclaimed Offender in this FIR and now he has surrendered before the Court and now his arrest has been stayed by Hon'ble High Court. Report is submitted for kind perusal."

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the respondent no.2 on 24.01.2010 and a son and a daughter have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The petitioner and respondent no.2 has resumed cohabitation. The respondent no.2 along with the minor children is happily residing in the matrimonial house. It has been further submitted that in the other case bearing FIR No. 28, dated 11.02.2014, under Section 379 IPC, registered at Police Station Phase-1, SAS Nagar, Mohali, which has also been registered at the instance of respondent no.2, an amicable settlement has been effected between the parties.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the

considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the private parties have arrived at a settlement, out of court, by way of compromise dated 11.02.2021 (Annexure P-5). The compromise is without any pressure and is genuine one.

Although, the petitioner has been declared as proclaimed offender, but it cannot be said that the powers to quash the prosecution is limited only to the matrimonial dispute alone and the same cannot be invoked to set aside the order declaring the petitioner to be proclaimed offender, in the event, the same are required to be exercised to achieve ends of justice and prevent the abuse of process of law. It may be true that the inherent powers under Section 482 Cr.P.C. cannot be exercised to quash the criminal proceedings where the offence is heinous in nature, but in the event, the matter is overwhelmingly and pre-dominantly of civil nature and particularly arising out of matrimonial dispute, it shall be appropriate to quash the FIR and the entire subsequent proceedings to put a quietus to the matter. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the

ends of justice. With the amicable settlement effected between the parties, the chances of conviction of the petitioners are remote and minimal. Although the petitioner has been declared as proclaimed offender but keeping in view the fact that an amicable settlement has been effected, the entire subsequent proceedings which have arisen out of matrimonial dispute should come to an end by exercising inherent powers of this Court in order to secure the ends of justice. In such a situation, the continuation of prosecution would result in sheer abuse of process of law.

The compromise has been voluntarily effected between the parties. The petitioner and respondent no.2 has resumed cohabitation. The respondent no.2 along with the minor children is happily residing in the matrimonial house.

Learned counsel for the petitioners and respondent no.2 are *ad idem* that the matrimonial dispute has been amicably settled between the parties.

For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, upheld by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons

aforementioned and to secure the ends of justice, FIR No. 194, dated 30.08.2014, under Sections 406 / 498-A of the Indian Penal Code, registered at Police Station Phase-I, S.A.S. Nagar and subsequent proceedings arising therefrom including the order dated 11.03.2015 passed by the Court of learned Chief Judicial Magistrate, SAS Nagar, Mohali vide which the petitioner has been declared as proclaimed offender, are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

September 20, 2022
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking : Yes / No
Whether reportable : Yes / No