

CRM-M-21862-2022

Date of Decision: 09.11.2022

Rupinder Singh and others

..... Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pushp Jain, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing of the orders dated 12.10.2015 and 14.12.2018, vide which the petitioners were declared proclaimed offenders in a case bearing FIR No.17 dated 19.4.2015, registered under Sections 498-A, 354, 506, 120-B IPC (Section 406 IPC added lateron), at Police Station Women Ferozepur, District Ferozepur, on the basis of the compromise dated 27.9.2021.

It has been contended by learned counsel for the petitioners that petitioner No.1-Rupinder Singh is husband, petitioner No.2-Balwinder Kaur is Nanad and petitioner No.3-Jatinder Kaur is Jethani of the complainant. He submits that the petitioners are residing abroad prior to lodging of the FIR, which was lodged in order to harass the petitioners. He submits that with the intervention of the respectables, all the outstanding issues have been resolved and for dissolving the marriage between petitioner No.1 and the complainant, petition under Section 13-B of the Hindu Marriage Act has already been filed before the learned Family Court, wherein first motion statements have also been recorded. He has submitted that the dispute being matrimonial is totally private in nature. He has further submitted that in all there were five accused

i.e. the petitioners and parents of petitioner No.1. He has submitted that parents of petitioner No.1 were duly tried by the learned trial Court and have been acquitted vide order dated 23.10.2019. He has submitted that in the peculiar facts and circumstances of the case, the proclamation issued against the petitioners serves no purpose and deserves to be quashed. He has submitted that the prosecution of the petitioners would be totally an abuse of the process of the Court as the matter has been duly compromised.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab, accepts notice on behalf of the State and Mr. Paras Sharma, Advocate, accepts notice on behalf of respondent No.2.

Learned counsel for respondent No.2 has endorsed the submissions made by learned counsel for the petitioners. He has submitted that both the parties have duly resolved all the outstanding issues and the complainant has no grievance left against the petitioners.

Learned State counsel on instructions from ASI Pritam Singh has submitted that the petitioners were declared proclaimed offender vide orders dated 12.10.2015 and 14.12.2018 and the co-accused i.e. the parents of petitioner No.1 against whom the challan was presented, were acquitted by the learned trial Court.

Heard.

The Court has heard counsel for the parties and perused the record.

Needless to say that the dispute in question has arisen out of the matrimonial discord. All three petitioners are residing abroad since beginning, who were declared proclaimed offender in their absence. Admittedly, the matter

has been resolved amicably and the dispute has been finally settled. Learned counsel for respondent No.2-complainant has endorsed that no outstanding issue remains to be settled and the second motion statements in the petition filed for dissolution of marriage is to be recorded in December, 2022.

In view of the attending facts and circumstances of the case, the Court is of the opinion that the orders declaring the petitioners as proclaimed offenders are liable to be quashed as the main matter has already been settled by the parties and a separate petition bearing CRM-M-17183-2022 has also been filed for quashing of the FIR No.17 dated 19.04.2015, registered under Sections 498-A, 354, 506, 120-B IPC (Sections 406 IPC added lateron), at Police Station Women Ferozepur, District Ferozepur. No purpose would be served by keeping the impugned orders alive. Consequently, the Court finds it appropriate to invoke its inherent power under 482 Cr.P.C. and thus, both the impugned orders dated 12.10.2015 and 14.12.2018 are quashed.

The petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

09.11.2022

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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No