

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

CRM-M-21394-2022

Date of Decision: *December 14, 2022*

Gaurav Sondhi and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jasraj Singh, Advocate,
for the petitioners.

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

Mr. Sunil Agnihotri, Advocate,
for respondent no.2.

Vivek Puri, J.

The petitioners have 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. 142, dated 17.11.2013, under Sections 498-A, 406 of the Indian Penal Code, registered at Police Station Mukerian, District Hoshiarpur and subsequent proceedings arising therefrom including the order dated 10.07.2015 passed by the Court of learned Sub Divisional Judicial Magistrate, Mukerian, vide which the petitioner no.1 has been declared as proclaimed person, on the basis of the compromise dated 10.03.2022 (Annexure P-2).

On 25.05.2022, 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 with regard to the validity or otherwise of the compromise so effected between the parties.

In compliance of the order dated 25.05.2022, the learned Sub Divisional Judicial Magistrate, Mukerian has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“i. It is submitted that as per the statement of investigating officer, in the instant FIR, there are three accused namely accused/petitioner no.1 Gaurav Sondhi, accused/petitioner no.2 Baldev Mitter and accused/petitioner no.3 Renu Sondhi as mentioned above.

ii. It is submitted that as per the statement of investigating officer, accused/petitioner no.1 Gaurav Sondhi has been declared as Proclaimed Person vide order dated 10.7.2015. However, operation of said order has been kept in abeyance by Hon'ble High Court vide order dated 25.5.2022 passed in CRM-M-21394-2022.

iii. In view of the statements recorded of the parties, the undersigned is of the view that compromise between the accused/petitioners and complainant/respondent no.2 is genuine, voluntarily and without any coercion or pressure.

iv. As per the statement of Investigating Officer ASI Paramjit Singh, none of the accused are involved in any other case.

v. As per the statement of Investigating Officer ASI Paramjit Singh, in the instant FIR, there is only one

*victim/complainant who is complainant/respondent
no.2 Swati Uppal who has got recorded her statement
with regard to compromise.”*

The report is indicative of the fact that the petitioner no.1 has been declared as Proclaimed Person and his statement has been recorded through his attorney i.e. Baldev Mitter, petitioner no.2. The petitioner no.1 has been declared as proclaimed person in terms of the order dated 10.07.2015 (Annexure P/4) and the quashing thereof has also been sought in the present proceedings.

Learned counsel for the petitioners contend that the marriage of petitioner no.1 was solemnized with the respondent no.2 on 23.03.2010, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise dated 10.03.2022 (Annexure P-2). The marriage of the petitioner no.1 and the respondent no.2 has been dissolved by decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 22.09.2022 passed by the learned Family Court, Hoshiarpur (Camp at Mukerian). The petitioner no.1 has paid a sum of Rs. 29 lakhs to the respondent no.2 on account of permanent alimony. No other case is pending between the parties. The petitioner no.1 has been declared as proclaimed person in terms of the order dated 10.07.2015. It has been further submitted that during the relevant period, the petitioner no.1 was residing abroad.

Although, the petitioner no.1 has been declared as

proclaimed person, but it cannot be said that the power 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 person, in the event, the same is required to be exercised to achieve ends of justice and prevent the abuse of process of law. It may be true that the inherent power 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 no.1 has been declared as proclaimed person 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 power 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 and they are stated to be residing separately and peacefully.

Learned counsel for the petitioners and respondent no.2 are *ad idem* that the matrimonial dispute has been amicably settled between the parties. The marriage of the petitioner no.1 and the respondent no.2 has been dissolved by a decree of divorce by mutual consent and no other case is pending between the parties. Even the entire claim of the respondent no.2 for permanent alimony has been settled.

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. 142, dated 17.11.2013, under Sections 498-A, 406 of the Indian Penal Code, registered at Police Station Mukerian, District Hoshiarpur and subsequent proceedings arising therefrom including the order dated 10.07.2015 passed by the Court of learned Sub Divisional Judicial Magistrate, Mukerian vide which the petitioner no.1 has been declared as proclaimed person, are ordered to be quashed, however, qua the petitioners only.

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

December 14, 2022
vk

[Vivek Puri]
Judge

Whether reasonable / speaking	:	Yes
Whether reportable	:	Yes