

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

CRM-M-23444-2022

Date of Decision: *November 23, 2022*

Hardeep Singh Chahal

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sarju Puri, Advocate,
for the petitioner.

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

Mr. Iqbal Mohammad, 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. 16, dated 16.02.2022, under Section 174-A of the Indian Penal Code, registered at Police Station Mukandpur, District S.B.S. Nagar and subsequent proceedings arising therefrom, on the basis of the compromise dated 13.04.2022 (Annexure P-3) .

On 24.08.2022, 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 24.08.2022, the learned Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“7. From the statements of the parties recorded, it appears to this Court that the compromise effected between the attorney of complainant and the attorney of petitioner/accused Hardeep Singh is without any pressure, coercion and same was done with the free consent of the parties. Further, it is also submitted that as per the statement of investigating officer, petitioner/accused Hardeep Singh was declared proclaimed offender in another cse and the present FIR was registered against him u/s 174-A IPC.

The report is indicative of the fact that the petitioner has been declared as proclaimed person and his statement has been recorded through his attorney i.e. Rashpal Kaur.

Learned counsel for the petitioner contends that the present FIR has been registered on account of matrimonial dispute between the petitioner and respondent no.2 At the instance of respondent no.2, an FIR bearing No. 26, dated 10.06.2019, under Section 498-A IPC has been registered at Police Station Mukandpur, District S.B.S. Nagar against the petitioner and his mother. The petitioner

has been declared proclaimed person in terms of the order dated 07.11.2019. A separate petition for quashing aforesaid FIR and the order dated 07.11.2019 vide which the petitioner has been declared proclaimed offender bearing CRM-M-23221-2022, has also been instituted on the basis of compromise. The proceedings under Section 174-A IPC have been initiated against the petitioner on the basis of the application submitted by respondent no.2 as he has been declared a proclaimed person. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-3). The petitioner no.1 and respondent no.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent. Petitioner No.1 shall pay a sum of Rs.14 lakhs on account of permanent alimony and the said amount has already been paid to her.

The present case is an offshoot of the matrimonial dispute between the parties. Significantly, the FIR No. 26, dated 10.06.2019, as well as, order dated 07.11.2019 vide which the petitioner has been declared as proclaimed person have been quashed in terms of separate order of even date passed in CRM-M-23221-2022 titled "Hardeep Singh Chahal and another vs. State of Punjab and another".

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 predominantly 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. Since the FIR bearing No. 26 dated 10.06.2019 and order dated 07.11.2019 vide which the petitioner has been declared as proclaimed person have been quashed vide separate order of even date passed in CRM-M-23221-2022, 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 petitioner and respondent no.2 are *ad idem* that the matrimonial dispute has been amicably settled between the parties. Petition under Section

13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent is pending. 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. 16, dated 16.02.2022, under Section 174-A of the Indian Penal Code, registered at Police Station Mukandpur, District S.B.S. Nagar and subsequent proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

November 23, 2022

vk

[Vivek Puri]
Judge

Whether reasonable / speaking	: Yes
Whether reportable	: Yes