

CRM-M-27821-2022

Date of Decision: 18.10.2022

Pardeep Kumar

..... Petitioner

Versus

The State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Kanika Ahuja, Advocate for
Mr. Karanvir Singh Khehar, Advocate, for the petitioner.
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
Mr. Shakti Mehta, Advocate, for respondent No.2.

Rajesh Bhardwaj, J. (ORAL)

The petitioner has approached this Court seeking quashing of the order dated 9.5.2016 (Annexure P-6), passed by the learned JMIC, Patiala, vide which the petitioner has been declared as proclaimed person.

It has been contended by learned counsel for the petitioner that the dispute between the petitioner and respondent No.2 is purely matrimonial. She submits that the petitioner is residing in Canada and in his absence, he was declared a proclaimed person. She submits that after the registration of the FIR, both the petitioner and respondent No.2 have arrived at an amicable settlement and in pursuance to the same, marriage between the parties has been dissolved by decree of divorce dated 17.9.2022 under Section 13-B of the Hindu Marriage Act, 1955. She also submits that the petitioner has also paid Rs.17 lacs as full and final alimony to the respondent-wife. She has further submitted that out of the marriage there is one child, who is in the custody of the respondent-wife. As all the outstanding issues have been resolved amicably, so the order dated 9.5.2016 is liable to be quashed. She relies upon Dilbagh Singh vs. State of Punjab, (P&H), 2015 (8) RCR (Criminal) 166; Ashok Kumar Vs.

State of Haryana and another, 2013 (4) RCR (Criminal) 550; and Jasvir Singh vs. State of Punjab bearing case No.CRM-M-24381-2020 decided on 3.9.2020.

Learned counsel for respondent No.2 has affirmed the submissions made by learned counsel for the petitioner. He has submitted that he has specific instructions to say that all the outstanding issues between the complainant and the petitioner have been resolved amicably. He also submits that the wife has no objection, if the order under challenge is set aside.

I have heard learned counsel for respective parties.

The dispute between the parties is purely matrimonial in nature and thus, private in nature and the same has been amicably resolved by them. For the betterment of their future, it would be futile exercise to go into the merits of the case. In the facts and circumstances of the case, the Court finds it an appropriate case to invoke its inherent jurisdiction under Section 482 Cr.P.C. to meet the ends of justice.

In view of the above, the order dated 9.5.2016 (Annexure P-6) declaring the petitioner proclaimed person is set aside.

The petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

18.10.2022

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