

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-1691-2020

Date of Decision: 28.08.2023

MANJIT SINGH @ MANJIT SINGH SARRAN

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ithlesh Kaushal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Ishan Thakur, Advocate for
Mr. A.S. Cheema, Advocate
for respondent No. 2.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 10 dated 21.07.2012 registered under Sections 420, 406 and 498-A of Indian Penal Code at Police Station NRI, Jalandhar City, District Jalandhar and the order dated 28.01.2013 passed by learned Judicial Magistrate Ist Class, Jalandhar, whereby petitioner has been declared as proclaimed person and all subsequent proceedings arising therefrom on the basis of compromise.

2. Vide order dated 16.01.2020, passed by this Court, the parties were directed to appear before the trial Court and get their statements recorded with regard to the compromise arrived at between them. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.

3. In compliance of the aforesaid order, report has been received from the court of Chief Judicial Magistrate, Jalandhar and the relevant

portion is reproduced hereinbelow:

“5. As per the statements given by above said persons, the information sought by Hon'ble High Court is as follows:

i. Number of persons arrayed as accused in FIR – One

*ii. Whether any accused is proclaimed offender-
accused was declared as proclaimed offender by the court of Sh. G.S. Sekhon, then Ld. JMIC, Jalandhar vide order dated 08.10.2013 and he has been granted interim bail from Hon'ble Punjab & Haryana High Court in CRM-M-1691-2020 dated 16.01.2020, and he has furnished his bail bonds and surety bonds in the court.*

iii. Whether the compromise is genuine, voluntary and without any coercion or undue influence – Yes

6. From the statements of the parties, the compromise appears to be genuine voluntary and without any coercion or undue influence.”

4. Learned counsel for the petitioner contends that marriage of petitioner was solemnized with respondent No. 2 on 21.02.2009 and it was the second marriage of respondent No. 2. A daughter has been born from the wedlock and the matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-4). The petitioner has paid a sum of Rs. 10,50,000/- to respondent No. 2 in full and final settlement of her claim for permanent alimony. Respondent No. 2 has received all her articles of *stree dhan* and nothing is due payable to her by the petitioner. Marriage of petitioner and respondent No. 2 has been dissolved by a decree of divorce by competent Court in England. The custody of minor daughter shall remain with the respondent No. 2. The cheque which was of Rs. 10,50,000/- has been got encashed by

respondent No. 2 and the petitioner has deposited the sum of Rs. 20,000/- as costs with Bar Association of this Court in pursuance of the order dated 16.01.2020. The petitioner was declared as proclaimed person in terms of order dated 28.01.2023 however, in pursuance of order dated 16.01.2020 passed by this Court, he has surrendered before the trial Court and has been released on interim bail.

5. Learned counsel for respondent No. 2/complainant has not disputed the aforesaid factual aspects and has stated that he has no objection if the FIR is quashed.

6. After hearing 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 parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

7. Although, the petitioner 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 the ends of justice and to prevent the abuse of process of law. It may be true that the inherent power under Section 482 of 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.

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

9. Accordingly the present petition is allowed and FIR No. 10 dated 21.07.2012 registered under Sections 420, 406 and 498-A of Indian Penal Code at Police Station NRI, Jalandhar City, District Jalandhar and the order dated 28.01.2013 passed by learned Judicial Magistrate Ist Class, Jalandhar and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

28.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No