

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

**Date of Decision:** *November 20, 2023*

**1. CRM-M-18283-2023**

Balwinder Singh

*... Petitioner*

Versus

State of Punjab and others

*.... Respondents*

**2. CRM-M-38351-2023 (O&M)**

Balwinder Singh

*... Petitioner*

Versus

State of Punjab and another

*... Respondents*

**3. CRM-M-3767-2023 (O&M)**

Balwinder Singh

*... Petitioner*

Versus

State of Punjab and another

*... Respondents*

**CORAM: HON’BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Neeraj Madaan, Advocate,  
for the petitioner (In CRM-M-38351-2023).

None for the petitioner  
(in CRM-M-18283-2023 & CRM-M-3767-2023).

Ms. Ruchika Sabherwal, DAG, Punjab.

Ms. N.R. Komal Kamboj, Advocate,  
for respondent No.4 (in CRM-M-18283-2023).

**Vivek Puri, J.**

1. In CRM-M-18283-2023, the petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking the inherent jurisdiction for quashing the FIR No. 12, dated 24.03.2016, under Sections 498-A, 406 of the Indian Penal Code (for short 'IPC'), registered at Police Station City Jalalabad, District Fazilka and subsequent proceedings arising therefrom, on the basis of compromise dated 10.10.2022 (Annexure P-2).

2. In CRM-M-38351-2023, the petitioner is seeking to quash the order dated 05.11.2022 passed by the Court of learned Sub Divisional Judicial Magistrate, Jalalabad(W), vide which the petitioner has been declared as proclaimed person/absconder.

3. In CRM-M-3767-2023, the petitioner is seeking anticipatory bail in case FIR No. 12, dated 24.03.2016, under Sections 498-A, 406 IPC, registered at Police Station City Jalalabad, District Fazilka.

4. All the aforesaid three petitions have been listed together for hearing as the same have arisen out of the same FIR. As such, the afore-mentioned petitions are being decided by a common judgment.

5. Initially, the petitioner was declared as proclaimed person/absconder in terms of order dated 05.11.2022. However, the name of the accused was mentioned as “Jangir Singh” in the said order due to clerical/typographical error. Subsequently, the necessary correction was also carried out in terms of order dated 05.11.2022 (Annexure P-6 in CRM-M-38351-2023) and it was clarified the name of the accused is “Balwinder Singh”.

6. On 17.04.2023 (in CRM-M-18283-2023), the parties were directed to appear before the learned Illaqa/Duty Magistrate to get recorded their statements regarding compromise and it was further directed that after recording their statements, the learned Court shall send a report regarding the genuineness of the compromise and also to intimate whether any accused is proclaimed offender.

7. In compliance of the order dated 17.04.2023, the learned Sub Divisional Judicial Magistrate, Jalalabad (West) has sent its report and the relevant portion thereof is reproduced as following:-

“In compliance, the report of undersigned is being submitted as under, as desired:-

(1) *In the present case as per the statement of Investigating Officer, there are four accused Balwinder Singh, Paramjit Singh, Bakhshish Kaur and Milkha Singh arraigned in the above said FIR and out of above said accused,*

*accused Balwinder Singh has been declared proclaimed offender in this case vide order 05.11.2022 by the Court of SDJM, Jalalabad (W), District Fazilka.*

*(2) As per the statement of the parties, compromise is genuine, voluntarily, without any coercion or undue influence of the parties.*

*(3) As per statement of accused and I.O. accused persons are not involved in any other FIR.*

*(4) As per report of I.O., earlier challan was presented against only one of accused namely Balwinder Singh, who has since been declared proclaimed person/absconder, said challan was presented by the then Investigating Officer namely ASI Gurneb Singh. Whereas, the other three accused were declared innocent in the inquiry. The said accused Balwinder Singh is already declared proclaimed person/absconder on 05.11.2022 by the Court of SDJM, Jalalabad (W), and file is consigned to record room.*

*In my considered view, compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence. However, this fact has also emerged that accused Balwinder Singh was declared proclaimed person/absconder on 05.11.2022, when statement of Investigating Officer was recorded on 26.05.2023. Whereas, statement of Balwinder Singh-accused and complainant was recorded on 05.05.2023 and at that time said Balwinder Singh did not disclose this fact that he has been declared proclaimed*

*offender/person, which may kindly be considered.”*

8. Learned counsel for the petitioner contends that the allegations were leveled against the petitioner and other family members, who were found innocent during the course of investigation and challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with the respondent no.2 about 1-1/4 years prior to the registration of the FIR, but no child has been born from the wedlock. It was the second marriage of respondent no.2 and was having a son from the earlier marriage. It has been further submitted that in terms of the order dated 05.11.2022, the petitioner was declared as proclaimed person/absconder. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 10.10.2022 (Annexure P-2). A petition under Section 13-B of the Hindu Marriage Act was instituted in the Family Court, Ferozepur, wherein the statements of the parties at the stage of first motion have been recorded. The petitioner has paid a sum of Rs. 2,00,000/- to respondent no.2 on account of permanent alimony. The respondent no.2 has received all her articles of istridhan. No other case is pending between the parties.
9. Learned counsel for the respondent no.4 has acknowledged the fact of compromise.

10. After hearing the 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 private parties have arrived at a settlement, out of court, by way of compromise (Annexure P-2). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

11. Although, the petitioner-Balwinder Singh 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 powers 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. With the amicable settlement effected between the parties, the chances of conviction of the petitioner are remote and minimal. Although the petitioner 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 powers 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.

12. The compromise has been voluntarily effected between the parties and they are stated to be residing separately and peacefully.

13. A co-ordinate bench of this Court in **CRM-M-43813-2018** titled as “**Baldev Chand Bansal vs. State of Haryana and another**”, decided on **29.01.2019** has held as under:-

*“Learned counsel for the petitioner has relied upon the decisions rendered by this Court in “Vikas Sharma vs. Gurpreet Singh Kohli and another (supra), 2017, (3) L.A.R.584, Microqual Techno Limited and others Vs. State of Haryana and another, 2015 (32) RCR (Crl.) 790 and*

*“Rajneesh Khanna Vs. State of Haryana and another” 2017(3) L.A.R. 555 wherein in an identical circumstance, this Court has held that since the main petition filed under Section 138 of the Act stands withdrawn in view of an amicable settlement between the parties, therefore, continuation of proceedings under Section 174A of IPC shall be nothing but an abuse of the process of law.”*

14. Learned counsel for the petitioner and respondent no.4 are *ad idem* that the matrimonial dispute has been amicably settled between the parties. The marriage of the petitioner-Balwinder Singh and a petition under Section 13-B of the Hindu Marriage Act has been instituted in the Family Court, Ferozepur, wherein the statements of the parties at the stage of first motion have been recorded.

15. 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** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

16. 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. 12, dated 24.03.2016, under Sections 498-A, 406 IPC, registered at Police Station City Jalalabad, District Fazilka

and subsequent proceedings arising therefrom on the basis of the compromise (Annexure P-2) including the order dated 05.11.2022 passed by the Court of learned Sub Divisional Judicial Magistrate, Jalalabad(West) vide which the petitioner has been declared as proclaimed person/absconder, are ordered to be quashed, however, qua the petitioner only.

17. Resultantly, with the above-said observations made, the aforementioned petitions i.e. CRM-M-18283-2023 and CRM-M-38351-2023 stand allowed.

18. As the FIR in question has been quashed in CRM-M-18283-2023, the anticipatory bail petition bearing No. CRM-M-3767-2023 has been rendered infructuous.

19. CRM-M-3767-2023 is disposed of as infructuous.

**November 20, 2023**  
*vk*

**(Vivek Puri)**  
**Judge**

|                           |   |        |
|---------------------------|---|--------|
| Whether reportable        | : | Yes/No |
| Whether speaking/reasoned | : | Yes/No |