

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.131+260

**CRM-52846-2023 in/and
CRM-M-19761-2023 (O&M)
Date of decision : 14.12.2023**

Ramandeep Singh through special power of attorney Petitioner

VERSUS

State of Punjab and another Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Naresh Kumar, Advocate, for the petitioner.

Mr. G.S. Sandhu, DAG, Punjab

Mr. M.K. Dhot, Advocate for
Mr. Akhil Dadwal, Advocate, for respondent No.2.

HARPREET KAUR JEEWAN, J. (Oral)

CRM-52846-2023

The application is allowed.

Annexure P-5 is taken on record subject to all just exceptions.

CRM-M-19761-2023

Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.32 dated 12.04.2016, under Sections 498-A IPC, registered at Police Station Chabbewal, District Hoshiarpur (Annexure P-2) including the order dated 29.09.2016 (Annexure P-3) passed by Chief Judicial Magistrate, Hoshiarpur, whereby the petitioner has been declared as proclaimed person. It is alleged that compromise deed dated 25.05.2021 (Annexure P-4) has been executed between the parties.

2. Learned counsel for the petitioner has submitted that there was

a matrimonial dispute between the parties due to which the present FIR was

got registered against the petitioner at the instance of respondent No.2. Both the parties are not living together. However, with the intervention of the respectables and relatives, they have finally settled their matrimonial dispute and compromise deed dated 25.05.2021 (Annexure P-4) has been executed between the parties which has been duly signed by the parties. The petitioner and respondent No.2 have filed a joint petition for divorce with mutual consent under Section 13-B of the Hindu Marriage Act, 1955, in pursuance to the said compromise and decree of divorce has been passed. As such, the respondent No.2 does not want to take any legal action against the petitioner in the said FIR. A prayer is made to quash the said FIR alongwith all consequent proceedings.

3. On 24.04.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements regarding the compromise.

4. The report dated 15.07.2023 of the Judicial Magistrate, 1st Class, Hosiarpur through the District & Sessions Judge, Hoshiarpur, has been received. As per the said report, the compromise between the parties is genuine. After presentation of the challan, accused Mewa Singh, Gurnam Singh and Swaran Kaur were summoned under Section 319 Cr.P.C. to face trial and after completion of trial, they have been acquitted in this case. Petitioner-accused Ramandeep Singh was declared proclaimed person. As per previous order dated 24.04.2023 passed by the coordinate Bench in this case, the order dated 29.09.2016 (Annexure P-3) whereby the petitioner was declared proclaimed person was kept in abeyance and parties were directed to appear before the Illaq Magistrate. The petitioner appeared before Judicial Magistrate Ist Class on 25.05.2023 and his statement was recorded

5. The Hon'ble Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

6. Since, it was a matrimonial dispute which has been settled between the parties and they want to peacefully part ways. As per the terms and conditions of the compromise, they have filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of their marriage. Continuing with the proceedings in the present FIR would not be in the interest of the parties. As such, it is a fit case for quashing of the FIR in the interest of justice.

7. Consequently, the present petition is allowed and FIR No.32 dated 12.04.2016, under Sections 498-A IPC, registered at Police Station Chabbewal, District Hoshiarpur (Annexure P-2) including the order dated 29.09.2016 (Annexure P-3) passed by Chief Judicial Magistrate, Hoshiarpur, whereby the petitioner has been declared as proclaimed person, and all the subsequent proceedings emanating from the said FIR are ordered to be quashed qua the petitioner.

8. Pending miscellaneous application(s), if any, also stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

14.12.2023

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No