

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CRM-M-39049-2017 (O&M)
Date of Decision: 16.01.2023

Bikramjit Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Preetinder Singh Ahluwaila, Advocate for the petitioner
Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Parminder Singh)
Mr. Sarabjit Singh, Advocate for respondent No.2/
complainant

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 Cr.P.C., the petitioner is seeking quashing of i) order dated 06.07.2013 (Annexure P-3) whereby Chief Judicial Magistrate, Gurdaspur has declared the petitioner as proclaimed person; ii) summoning order dated 02.07.2010 (Annexure P-2) passed by Chief Judicial Magistrate, Gurdaspur and complaint dated 09.05.2009 (Annexure P-1).

Learned counsel for the petitioner, *inter alia*, contends that marriage of the brother of the petitioner was solemnized with the complainant on 23.04.2006. The complainant filed criminal complaint dated 09.05.2009 and summoning order dated 02.07.2010 was passed for commission of offences punishable under Section 406 & 498-A IPC. The Trial Court vide judgment dated 13.08.2014 (Annexure P-4) has found

the petitioner innocent though he has not been acquitted on account of being absent. The husband of the complainant and other family members have already been acquitted from the charges. On the basis of compromise between brother of the petitioner and his wife-complainant, a decree of divorce has already been passed by this Court, vide judgment dated 31.10.2019 in FAO-M-134-2012. The marriage has been dissolved on the basis of compromise between the parties. The petitioner during the relevant period and still is out of country. The petitioner is not involved in any other offence.

Learned counsel for the petitioner relies upon judgment of a Coordinate Bench of this Court in ***Dr. Mandeep Dhillon @ Mandeep Kaur v. State of Punjab; 2021 (3) R.C.R. (Criminal) 227***, wherein FIR was quashed on the ground that main accused i.e. husband and mother-in-law have already been acquitted, thus, there is no need to proceed against sister-in-law.

Learned State counsel submits that respondent-State has no objection if present petition is allowed and orders dated 06.07.2013 (Annexure P-3) and summoning order dated 02.07.2010 (Annexure P-2) are quashed.

Mr. Sarabjit Singh, Advocate for respondent No.2/complainant, submits that parties have compromised the matter and he has no objection, if present petition is allowed and orders dated

06.07.2013 (Annexure P-3) and summoning order dated 02.07.2010 (Annexure P-2) are quashed.

In the case in hand, admittedly, the husband, mother-in-law, father-in-law and sister in law have already been acquitted and there are findings qua petitioner in the judgment dated 31.08.2014 passed by Trial Court. The relevant extracts of the judgment read as:-

“24. The complainant has also filed the present complaint against her sister-in-law and brother-in-law. In these circumstances, it is a matter of general experience that only those articles are handed over to sister-in-law, brother-in-law which are given to them as gifts. Generally, dowry articles are handed over to elders of family i.e. to parents-in-law of bride. The allegations leveled by the complainant is that the entire dowry articles were misappropriated by all the accused and all the accused have harassed her and demanded dowry. On the face of it, to my mind, these allegations qua the accused are bald in nature. At the cost of repetition, it is once again observed that the other allegations qua accused Malwinder Kaur are vague. It is not safe to rely upon such type of vague allegations. In fact, when the marriage of spouse goes in rough weather, the complainant party is used to exaggerated the facts in order to rope in all the relatives of other party in false litigation.”

It is further undisputed fact that on the basis of compromise between the parties, the marriage stands dissolved. The compromise between the parties has been arrived before Mediation and Conciliation

Centre of this Court and as per Compromise Deed dated 11.10.2019, the complainant has agreed not to object quashing of complaint pending against the petitioner. Para 10 of the compromise dated 11.10.2019 reads as under:-

“10. That it has been further understood and agreed between the parties that the first party would fully co-operate and would make appropriate statement in the quashing petition being CRM-M-No.39049 of 2017 pending before this Hon’ble Court preferred by the real brother of the second party namely- Bikramjit Singh as well as before the criminal Court at Gurdaspur in a dowry case in which the aforesaid- Bikramjit Singh was declared as proclaimed offender, or any other quashing petition which the aforesaid Bikramjit Singh may have to prefer before this Hon’ble Court in respect of dowry case.”

In view of above facts and statement made by learned counsel for respondent No.2/complaint, present petition deserves to be allowed and accordingly allowed. Orders dated 06.07.2013 (Annexure P-3) and 02.07.2010 (Annexure P-2) are hereby quashed.

(JAGMOHAN BANSAL)
JUDGE

16.01.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*