

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

348

CRM-M-45927-2022

Date of decision : 13.04.2023

Avtar Singh

..... Petitioner

V/S

State of Punjab and Another

..... Respondent

**CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI**

Present: Mr. Gulzar Mohammad, Advocate  
for the petitioner.

Mr. Mohinder Singh Joshi, Additional A.G. Punjab.

Mr. Vijay Lath, Advocate for respondent No.2.

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**AMARJOT BHATTI J. (ORAL)**

The petitioner- Avtar Singh has filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No.61 dated 30.06.2016, under Sections 406, 498-A, 494, 377 of IPC, registered at Police Station Lambra, District Jalandhar and order dated 11.05.2017 vide which the petitioner has been declared proclaimed offender and all other subsequent proceedings on the basis of compromise between the parties dated 27.05.2019 (Annexure P-10) as well as on the basis of judgment of mutual divorce dated 24.05.2022.

As per the facts of the case, the complainant – Rajwinder Kaur has filed a written complaint against her husband Avtar Singh and others alleging that she got married with Avtar Singh on 24.08.2013. The marriage was performed

with great pomp and show. Her parents had given dowry in the shape of gold jewellery, cash amount and household articles etc. Her in-laws were unhappy with the dowry articles. No child was born out of this wedlock. Accused No.1 was permanently settled in Australia and was running his own restaurant. She had lived with her husband in village Nijran and her in-laws family had assured that she will be taken to Australia. The accused Nos.2 and 3 used to interfere in her married life. She could not stay with her husband freely. Her husband left for Australia on 27.09.2013. All her personal belongings were taken away by her mother-in-law. She was maltreated in the matrimonial home. The in-laws family started raising demand for more dowry. They asked her to arrange cash of Rs.5 lacs for her Visa. Ultimately, she came to know that her in-laws family did not want her to go to Australia. She was abused, humiliated and maltreated in the matrimonial home. She was not allowed to contact her husband. She has narrated various incidents which took place during her stay in the matrimonial home. The accused No.1 imposed conditions for taking her to Australia. She is living in her parental house since 01.09.2015, she came to know that accused no.1 had solemnized second marriage. The accused persons have misappropriated her dowry articles. Ultimately the present complaint was filed on the basis of which present FIR has been registered.

Learned State counsel has filed status report, which is taken on record.

As per the record challan in this FIR was presented against Avtar Singh and Kuldeep Kaur. Copy of FIR is Annexure P-1. In the said case both the accused Kuldeep Kaur and Gurnam Singh were acquitted vide judgment dated 01.09.2021 as Karnail Singh father of the complainant did not support the

prosecution case. Copy of judgment is Annexure P-12. Thereafter, Avtar Singh and Rajwinder Kaur filed petition under Section 13-B of Hindu Marriage Act as they mutually resolved their disputes and took divorce with mutual consent. Their statements are Annexure P-14 and P-15. The attested copy of judgment and decree sheet in petition under Section 13-B of Hindu Marriage Act dated 24.05.2022 is Annexure P-16.

Thereafter, Avtar Singh through his attorney filed the present petition seeking quashing of order dated 11.05.2017 vide which he was declared proclaimed offender as well as quashing of FIR on the basis of compromise dated 25.05.2019 (Annexure P-10). The petitioner appeared before the learned trial Court and furnished his bail bonds and surety bonds and joined the proceedings.

The petitioner and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. The detailed report regarding compromise has been received from the court of Judicial Magistrate 1<sup>st</sup> Class, Jalandhar dated 23.01.2023. The statement of respondent No.2 has been recorded through attorney i.e. her father Karnail Singh, where he confirmed the compromise with the petitioner. He confirmed that this compromise has been effected without any pressure, coercion from any side and he has no objection regarding quashing of FIR.

The petitioner- Avtar Singh also confirmed this fact in his separate statement. The statement of ASI Bhajan Singh is also recorded who further confirmed that the accused was declared proclaimed offender vide order dated 11.05.2017. Thereafter, vide order dated 11.11.2022 he was granted bail by the Court of learned Additional District & Sessions Judge, Jalandhar.

Therefore, from the report of Judicial Magistrate 1<sup>st</sup> Class, Jalandhar it is clear that the compromise has been effected between the parties without any pressure, coercion or undue influence, which is acceptable to both the parties. They have mutually settled all their matrimonial disputes. They had also filed joint petition under Section 13-B of Hindu Marriage Act in which decree of divorce has been granted on 24.05.2022 (Annexure P-16). Now they will be able to live in peace and harmony. No purpose would be served with the continuation of criminal proceedings

Therefore considering these facts the petition filed by the petitioner is accepted and FIR No.61 dated 30.06.2016, under Sections 406, 498-A, 494, 377 of IPC, registered at Police Station Lambra, District Jalandhar and order dated 11.05.2017 vide which the petitioner has been declared proclaimed offender and the consequential proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

(AMARJOT BHATTI)  
JUDGE

13.04.2023.  
Sunil Devi

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| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |