

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

CRM-M-47229-2022

Date of Decision: October 12, 2023

Pawan Kumar and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vineet Sachdeva, Advocate,
for Mr. Jasmeet Singh Ghumman, Advocate,
for the petitioners.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Ms. Nupur Sood, Advocate,
for respondent no.2.

Vivek Puri, J.

1. The petitioner has approached this Court by way of instant petition under Sections 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking the inherent jurisdiction for quashing the complaint bearing No. COMI/369/2015, dated 22.09.2015, under Sections 406, 498-A of the Indian Penal Code (for short 'IPC'), and subsequent proceedings arising therefrom on the basis of the compromise dated 12.09.2022 (Annexure P-3) and further for quashing the order dated 27.07.2017 (Annexure P-2) passed by the Court of learned Judicial Magistrate First

Class, Jalandhar, whereby the petitioner No.1 has been declared as proclaimed person.

2. On 15.05.2023, 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 Illaqa Magistrate/Duty Magistrate shall send a report regarding the genuineness of the compromise.

3. In compliance of the order dated 15.05.2023, the learned Judicial Magistrate First Class, Jalandhar, has sent its report. The relevant portion of the report is reproduced as following:-

“1. On the basis of statements given before this Court by the parties to the quashing petition by the orders of Hon’ble High Court, it can be safely submitted that the compromise is genuine, voluntary and without any coercion or undue influence, qua them.

2. There are three accused persons namely Pawan Kumar, Satpal and Veena from which accused Pawan Kumar was declared as Proclaimed person vide order dated 27.07.2017. In the meanwhile accused Pawan Kumar is released on interim bail on the basis of compromise effected between the parties, till the further orders.

3. On the basis of statement of ASI Narinder Kumar no. 2117, Police Station Division No.1, Jalandhar the parties in the present complaint

are not involved or declared proclaimed offender in any other criminal case. Accused Pawan Kumar was declared proclaimed person vide order dated 27.07.2017 in the present complaint case.”

4. Learned counsel for the petitioners contend that the marriage of petitioner no.1 was solemnized with respondent no.2 on 28.12.2012 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 12.09.2022 (Annexure P-3). The marriage of petitioner no.1 and respondent no.2 has been dissolved by mutual consent under Section 13-B of the Hindu Marriage Act in terms of judgment and decree dated 04.07.2023 passed by the learned Family Court, Jalandhar. The petitioner no.1 has paid a sum of Rs. 11 lakhs on account of permanent alimony to the respondent no.2. The custody of minor child shall remain with respondent no.2. No other case is pending between the parties.

5. Learned counsel for the respondent no.2 has acknowledged the fact of compromise.

6. 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 dated 12.09.2022 (Annexure P-3). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

7. Although, the petitioner no.1 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 pre-dominantly of civil nature and particularly arising out of matrimonial dispute, it shall be appropriate to quash the complaint 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 petitioners are remote and minimal. Although the petitioner no.1 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.

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

9. Learned counsel for the petitioners and respondent no.2 are *ad idem* that the matrimonial dispute has been amicably settled between the parties. The marriage of the petitioner no.1 and the respondent no.2 has been dissolved by a decree of divorce by mutual consent.

10. 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**.

11. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons

aforementioned and to secure the ends of justice, complaint bearing No. COMI/369/2015, dated 22.09.2015, under Sections 406, 498-A IPC and subsequent proceedings arising therefrom on the basis of the compromise dated 12.09.2022 (Annexure P-3) including the order dated 27.07.2017 (Annexue P-2) passed by the Court of learned Judicial Magistrate First Class, Jalandhar, vide which the petitioner no.1 has been declared as proclaimed person, are ordered to be quashed, however, qua the petitioners only.

12. Resultantly, with the above-said observations made, the instant petition stands allowed.

October 12, 2023
vk

[Vivek Puri]
Judge

Whether reasonable / speaking	:	Yes / No
Whether reportable	:	Yes / No