

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

CRM-M-576-2023

Date of Decision: September 12, 2023

Vikram Jaswal

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jitender Singh Dadwal, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, DAG, Punjab.

Mr. Sanjeev Kumar, Advocate,
for respondents no.2 and 3.

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 FIR No. 23, dated 01.09.2012, under Sections 406, 498-A, 294, 506, 120-B of the Indian Penal Code (for short 'IPC'), registered at Police Station Women, Patiala and subsequent proceedings arising therefrom on the basis of the compromise dated 17.12.2022 (Annexure P-4) and further for quashing the order dated 07.01.2020 (Annexue P-2) passed by the Court of learned

Judicial Magistrate First Class, Patiala, whereby the petitioner has been declared as proclaimed person.

2. On 05.07.2023, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get recorded their statements regarding compromise and it was further directed that after recording their statements, the learned trial Court/Illaq Magistrate shall send a report regarding the genuineness of the compromise and also to intimate whether any accused is proclaimed offender.

3. In compliance of the order dated 05.07.2023, the learned Judicial Magistrate First Class, Patiala, has sent its report. The relevant portion of the report is reproduced as following:-

“1. Number of persons arraigned as accused in FIR;

So, as to give opinion regarding number of persons arrayed as accused in the present FIR, this Court has recorded the statement of ASI Baljinder Singh, No. 1413/PTL, now posted at PP Bahadurgarh, Patiala. As per his statement, in the present case as per the FIR No. 23 dated 01.09.2012 under Sections 406, 498A, 294, 506, 120-B IPC, P.S. Women Cell, Patiala, Vikram Jasal son of Bhag Singh has been arrayed as accused.

2. Whether any accused is proclaimed offender:

As per statement of ASI Baljinder Singh, No. 1413/PTA, accused Vikram Jaswal has

been declared as proclaimed offender in this case.

3. *Whether the compromise is genuine, voluntary and without any coercion or undue influence?*

Yes, the compromise arrived between the parties is genuine, voluntary and made out of free will of the parties.

Complainant Nisha Rajput daughter of Amarjit Singh Rajput, Amarjit Singh Rajput father of complainant Nisha Rajput and accused Vikram Jaswal son of Sh. Bhag Singh have suffered separate statements to the effect that they have compromised the matter with each other vide compromise dated 17.12.2022 without their being any pressure, coercion or undue influence. As per the statement of complainant Nisha Rajput, her father Amrjit Singh Rajput and accused Vikram Jaswal, compromise is genuine one, voluntarily and without any coercion.

From the statements of the parties, this Court is of the opinion that matter has been amicably settled between the petitioner/accused namely Vikram Jaswal and complainant Nisha Rajput. The said compromise is genuine, voluntary and is without any coercion or undue influence.

4. *Whether the accused persons are involved in any other case or not?*

As per statement of ASI Baljinder Singh, No. 1413/PTA, no other criminal case/FIR is pending against accused Vikram Jaswal.

5. The trial Court is also directed to record the statement of investigating officer as to how many victims/complainant are there in the FIR.

As per statement of IO, there is no other victim/complainant aggrieved party in the present FIR except respondent/complainant Nisha Rajput daughter of Amarjit Singh Rajput.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent no.2 on 05.05.2011, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 17.12.2022 (Annexure P-4). The marriage of the parties has been dissolved in terms of the order dated 09.04.2014 passed by the Competent Court in State of Washington. The petitioner has paid a sum of Rs. 3 lakhs on account of permanent alimony to the respondent no.2. At the earlier instance, the petitioner was declared as proclaimed person. The parents of the petitioner faced trial and have been acquitted by the learned trial Court in terms of judgment dated 28.10.2017. No other case is pending between the parties. The petitioner was abroad at the time when he was declared as proclaimed person.

5. Learned counsel for the respondents no.2 and 3 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 17.12.2022 (Annexure P-4). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

7. Although, the petitioner 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 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.

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 petitioner and respondents no.2 and 3 are *ad idem* that the matrimonial dispute has been amicably settled between the parties. The marriage of the petitioner 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, FIR No. 23, dated 01.09.2012, under Sections 406, 498-A, 294, 506, 120-B IPC, registered at Police Station Women, Patiala and subsequent proceedings arising therefrom on the basis of the compromise dated 17.12.2022 (Annexure P-4) including the order dated 07.01.2020 (Annexue P-2) passed by the Court of learned Judicial Magistrate First Class, Patiala, vide which the petitioner has been declared as proclaimed person, are ordered to be quashed, however, qua the petitioner only.

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

September 12, 2023
vk

[Vivek Puri]
Judge

Whether reasonable / speaking : Yes
Whether reportable : Yes