



201 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-2062-2024

Date of decision: 14.05.2024

Bhupinder Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pankaj Sharma, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Rahul Jaswal, Advocate for
Mr. Sarju Puri, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.111 dated 03.09.2017 (Annexure P-1) under Sections 498-A/34 of IPC registered at Police Station, City Nawanshaher, SBS Nagar, Punjab as well as all subsequent proceedings arising therefrom and further for setting aside the order dated 19.04.2019 (Annexure P-2) passed by the learned Chief Judicial Magistrate, SBS Nagar, whereby the petitioners have been declared proclaimed offenders in the pending trial related to the above said FIR as well as orders directing attachment of property, on the basis of compromise dated 08.01.2024 (Annexure P-4).

2. On 10.04.2024, the following order was passed:-

'Learned counsel appearing for the private parties submit that matrimonial dispute between the parties has been amicably settled and petitioners as well as respondent No. 2 are currently residing in Canada and they could not appear before the Jurisdictional Magistrate in compliance of the order dated 31.01.2024 for recording their statements in



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support of the compromise. Learned counsel(s) further submit that statements of petitioners may be permitted to be recorded through special power of attorney holder- Sandeep Singh and statement of respondent No. 2 be permitted to be recorded through her special power of attorney holder-Amrik Singh, who is her father.

Prayer is allowed.

In the meantime, Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 14.05.2024.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance. '

3. In compliance of the last order, the report has been received from the concerned trial Court that the compromise is genuine, voluntary and without any coercion and undue influence.

4. Learned counsel for the petitioners submits that admittedly, vide order dated 19.04.2019 (Annexure P-2), the petitioners were declared as proclaimed person without following the drill of Section 82 Cr.P.C. and the case is fully covered by the ratio of law laid down in 'Major Singh @ Major Vs. State of Punjab' 2023 (3) RCR (Criminal) 406; 2023 (2) Law Herald 1506 and 'Sonu Vs. State of Haryana' 2021 (1) RCR (Crl.) 319. He further submits that the petitioner and respondent No.2 are currently residing in Canada and in compliance of order dated 31.01.2024, their statements have been recorded through their respective special power of attorney holders. It is further submitted that respondent No.2/wife had already filed a petition under Section 13 of Hindu Marriage Act, 1955 seeking divorce from petitioner No.1/husband and the same was decreed *ex parte* against the petitioner-husband vide order dated 01.10.2019 (Annexure P-3). The remaining amount in lieu of alimony i.e. Rs.5,50,000/- has been handed over to the father of complainant/respondent



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No.2 in the Court today, by way of demand draft bearing No.002456 dated 10.05.2024, as per the terms and conditions of the compromise as full and final settlement. Photo copy of the same has been retained on record.

5. Learned counsel for respondent No.2 confirms the receipt of aforesaid demand draft.

6. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052** as well as judgment passed in '**Major Singh @ Major Vs. State of Punjab**' 2023 (3) RCR (Criminal) 406; 2023 (2) Law Herald 1506 and '**Sonu Vs. State of Haryana**' 2021 (1) RCR (Crl.) 319, this petition is allowed and FIR No.111 dated 03.09.2017 (Annexure P-1) under Sections 498-A/34 of I PC registered at Police Station, City Nawanshaher SBS Nagar, Punjab as well as all subsequent proceedings arising therefrom and order dated 19.04.2019 (Annexure P-2) passed by the learned Chief Judicial Magistrate, SBS Nagar, Nawanshaher, whereby the petitioners have been declared proclaimed offenders, are hereby quashed *qua* the petitioners.

(HARPREET SINGH BRAR)
JUDGE

14.05.2024

Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No