



CRM-M-15996-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

117-2

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Date of decision: 29.05.2024

Navdeep Sharma

...Petitioner

V/s

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Narinder Lucky, Advocate for the petitioner.
Mr. Yuvraj Singh, AAG Punjab.
None for respondent No.2.

SUMEET GOEL, J. (Oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 by the petitioner for quashing of order dated 07.01.2019 passed by Chief Judicial Magistrate, Hoshiarpur (Annexure P-4) vide which the petitioner has been declared as Proclaimed Offender in case FIR No.137 dated 03.10.2016 (Annexure P-1) registered for the offences punishable under Sections 406 & 498-A, of IPC at Police Station City Hoshiarpur, District Hoshiarpur, which was got lodged by respondent No.2 (herein)-wife.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) primarily relates to the allegations of harassment on account of dowry and *Istridhan* related criminal breach of trust.
3. Learned counsel for the petitioner has argued that the Court below, blatantly violating provisions of Cr.P.C., straightway proceeded to issue non-bailable warrants despite the fact that petitioner was not residing

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warrants, an order of proclamation was issued which also remained unexecuted. Learned counsel has further argued that petitioner has never received any Court summons. It has been further submitted that the entire dispute(s) between the petitioner-husband and the respondent No.2-wife was amicably settled & the petitioner-husband has fulfilled in entirety requirement(s)/condition(s) on his part as per the terms of the settlement/compromise. Moreover, respondent No.2-wife has received from the petitioner-husband a total sum of Rs.5,50,000/- as full and final settlement amount and a divorce decree based on mutual consent has also been passed by the Additional District Judge, Hoshiarpur, thus, the impugned order deserves to be quashed. Furthermore, vide order of even date i.e. 29.05.2024, the FIR in question stands quashed in CRM-M-8108-2020.

4. Learned State counsel has not denied the factual aspects raised by learned counsel for the petitioner. Learned State counsel has further submitted that, as per his instructions, a divorce decree based on mutual consent has also been passed by the Additional District Judge, Hoshiarpur.

5. I have heard learned counsel for the parties and have perused the record.

6. Vide order of even date i.e. 29.05.2024, the FIR in question already stands quashed in CRM-M-8108-2020. Thus, no useful purpose would be served by keeping the criminal proceedings pending against the petitioner. Besides, the parties have already entered into an amicable settlement and the FIR itself stands quashed in view of compromise having been arrived at between the parties, thus, it would be an appropriate case for



exercise of powers under Section 482 of Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of the FIR *ibid* against the petitioner.

7. Accordingly, keeping in view the entirety of facts and circumstances of the case, the present petition is allowed and the impugned orders dated 07.01.2019 passed by Chief Judicial Magistrate, Hoshiarpur (Annexure P-4) whereby petitioner was declared as proclaimed offender is quashed.

8. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 29, 2024
Ajay

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