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Date of decision: 08.07.2025

...Petitioner(s)

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...Respondent(s)



CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. H. S. Dhindsa, Advocate
for the petitioners.

Mr. Karunesh Kaushal, AAG, Punjab.

None for respondent No.4-complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. All the four petitions are taken up together for final disposal with the consent of learned counsels for the parties.
2. CRM-M-14326-2014 has been filed by petitioners, namely, Satpal Singh and Ramanpal, who are stated to be the relatives of the husband of respondent No.4-complainant, under Section 482 Cr.P.C. for quashing of FIR No.110 dated 31.07.2007, under Sections 498-A, 406, 323, 376, 506, 148 and 149 of the IPC, registered at Police Station Mukerian, District Hoshiarpur, Punjab, along with all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-6).
3. CRM-M-24589-2014 has been filed by petitioner, namely, Baljit Kumar, who is the husband of respondent No.4-complainant, under Section 482 Cr.P.C. for quashing of FIR No.110 dated 31.07.2007, under Sections 498-A, 406, 323, 376, 506, 148 and 149 of the IPC, registered at Police Station Mukerian, District Hoshiarpur, Punjab, along with all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-5).
4. CRM-M-41105-2014 has been filed under Section 482 Cr.P.C. for quashing of the impugned order dated 16.02.2011 (Annexure P-3), vide which



the petitioners, namely, Satpal Singh and Ramanpal have been declared as proclaimed offenders.

5. CRM-M-41106-2014 has been filed under Section 482 Cr.P.C. for quashing of the impugned order dated 29.08.2008 (Annexure P-3), vide which the petitioner, namely, Baljit Kumar has been declared as a proclaimed offender.

6. Learned counsel for the petitioners submitted that the marriage between Baljit Kumar (petitioner in CRM-M-24589-2014) and respondent No.4-complainant, namely Bandana alias Vandana Choudhary was solemnized on 19.04.2006 and thereafter, a matrimonial discord took place between them and the aforesaid FIR dated 31.07.2007 was registered against the petitioners as a consequence of the said dispute. He further submitted that all the petitioners are residents of United States of America (U.S.A.). He further submitted that the marriage between the petitioner-Baljit Kumar and respondent No.4 has already been dissolved by a decree of divorce and as an outcome of the compromise effected between the parties, the proceedings which respondent No.4-wife had filed under Section 12 of the D.V. Act has also since been withdrawn. He further submitted that earlier all the three petitioners were declared as proclaimed offenders regarding which separate petitions have been filed by them challenging the same but as per the order passed by this Court on 17.01.2018, the petitioners were directed to surrender and get their statements recorded with a further direction that they be admitted to interim bail and since the petitioners have surrendered and have been admitted to interim bail, the petitions filed by the petitioners challenging their declaration as proclaimed offenders have become redundant.



7. Learned counsel for the petitioners further submitted that in all the aforesaid cases, respondent No.4-wife was represented by Mr. S. D. Bansal, Advocate till the year 2018 but thereafter, he never appeared for a long number of years and in this way, the present petitions remain pending. He further submitted that vide order dated 08.11.2017, respondent No.4-wife was directed to be present in the Court and thereafter, on 16.11.2017, she was rather present in the Court in person and she specifically stated that in view of the settlement arrived at between the parties, she has no objection to the quashing of the present FIR against her husband, namely, Baljit Kumar (petitioner in CRM-M-24589-2014) and Satpal Singh and Ramanpal (petitioners in CRM-M-14326-2014), being relatives and she is also ready and willing to record her statement in this regard before the learned trial Court. He further submitted that it is so reflected in the order dated 08.11.2017 that respondent No.4-wife has received the entire amount of alimony of Rs.15,00,000/- as full and final settlement of all her claims and she was called in person and on 16.11.2017, she appeared before this Court and made the aforesaid statement and thereafter, her Counsel did not appear.

8. Learned counsel for the petitioners also submitted that vide order dated 16.11.2017, the parties were directed to appear before the learned trial Court/Illaq Magistrate for recording of their statements with regard to the genuineness of the compromise arrived at between the parties and in pursuance thereof, all the three petitioners and respondent No.4-wife appeared before the learned trial Court/Illaq Magistrate, although on different dates and got their statements recorded and in this regard, even a report has been sent by the Sub-



Divisional Judicial Magistrate, Mukerian before this Court and now since separate statements have been recorded with regard to the genuineness and voluntariness of the compromise arrived at between the parties, no useful purpose will be served in case further prosecution is carried on and therefore, the present FIR may be quashed on the basis of compromise being essentially a matrimonial dispute.

9. On the other hand, Mr. Karunesh Kaushal, AAG, Punjab submitted that there is no dispute that the subject matter of the present FIR was essentially a matrimonial dispute between the petitioner-Baljit Kumar and respondent No.4 and if the same has been settled between the parties, the State has no objection in case the present FIR is quashed on the basis of compromise.

10. None has appeared on behalf of respondent No.4-complainant.

11. I have heard the learned counsels for the parties.

12. The order passed by this Court on 08.11.2017 is reproduced as under:-

“It is noted that the complainant – respondent No. 4 was directed to be present in Court vide order 25.05.2016. She has admittedly received a sum of ₹15 lakhs as full and final settlement of all her claims. FIR No. 110 dated 31.07.2007 has been quashed qua two of the co-accused i.e. brother-in-law and sister-in-law (Devar and Devrani) of the complainant by this Court vide order dated 04.12.2013 in CRM-M-31575 of 2013 (Annexure P-2 attached with CRM-M-14326 of 2014). The complainant was directed by this Court on 25.05.2016 to inform whether she wants to return the amount in question.



Perusal of the file reveals that the complainant has not appeared, neither any instructions are available with learned counsel for respondent No. 4. The matter has been adjourned on various occasions. The complainant – respondent No. 4 was granted ex parte divorce on 18.11.2013. A photocopy of the said judgment and decree produced in Court today is taken on record subject to just exceptions. It is submitted that the petitioner – Baljit Kumar has not challenged this judgment and decree and undertakes not to do so.

Today, learned counsel for respondent No. 4 states that in fact the petitioner – Baljit Kumar is not a signatory to the compromise, therefore, the complainant has certain reservations. It is to be noted that pursuant to the said compromise, respondent No. 4 had withdrawn her petition under the Protection of Women from Domestic Violence Act in the year 2013 itself.

List on 16.11.2017.

Respondent No. 4 is directed to be present in Court on the next date of hearing.

A photocopy of the order be placed on the file of connected case numbered above.”

13. Thereafter, another order passed by this Court on 16.11.2017 is also reproduced as under:-

“Prayer in both these petitions is for quashing of FIR No.110 dated 31.07.2007 under Sections 498A/406/323/376/506/148/149 IPC registered at Police Station Mukerian, District Hoshiarpur alongwith consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.



Respondent No.4 is present in person. She furnishes her Learner's Driving Licence as proof of her identity. A photocopy of the same is taken on record subject to just exceptions.

Respondent No.4 – Bandana @ Vandana Choudhary states that in view of the settlement arrived at between the parties, she has no objection to the quashing of the aforesaid FIR against her husband – Baljit Kumar, her husband's brother – Satpal Singh and her husband's brother's wife Ramanpal. She is ready and willing to record her statement in this regard before the learned trial court.

Keeping in view the above, the parties are directed to appear before the learned trial court/Illaq Magistrate on 04.01.2018 for recording of their statements in regard to the settlement. The learned trial court/Illaq Magistrate shall on 04.01.2018 or any other date fixed by it, in case the statements cannot be recorded on that day, record the statements of the petitioners and respondent No.2 as well as all/any affected person(s) regarding the factum of compromise. Written compromise, if any, be produced before the learned trial court/Illaq Magistrate.

Learned trial court/Illaq Magistrate shall send its report regarding the genuineness of compromise alongwith statements of the parties before the date fixed. Total number of accused persons and the affected persons be detailed. Information regarding conviction/involvement of any of the accused in any other case, whether they are proclaimed offenders or pendency of such proceedings be indicated in the report.

List on 27.02.2018.



A photocopy of this order be placed on the file of connected case mentioned above.”

14. A perusal of the aforesaid would show that the matrimonial dispute was settled between the parties and respondent No.4-wife, who was present in the Court on the aforesaid date i.e. 16.11.2017, had specifically stated that settlement has been arrived at between the parties and she has no objection to the quashing of the present FIR.

15. In pursuance of the orders dated 16.11.2017 and 17.01.2018, the parties appeared before the learned trial Court/Illaq Magistrate and two reports have been received from the Sub-Divisional Judicial Magistrate, Mukerian. The first report is dated 16.02.2018, wherein only the statement of respondent No.4-complainant, namely, Bandana alias Vandana Choudhary has been attached, in which she has so stated that a compromise has been effected between her and the petitioners, namely, Baljit Kumar, Satpal Singh and Raman Pal and she has no grudge against them since the matter has been compromised between them voluntarily. At that point of time, the petitioners did not appear for recording of their statements because at that time they were abroad. The statement dated 04.01.2018 of respondent No.4-complainant so attached alongwith the aforesaid report is reproduced as under:-

Statement of respondent/complainant Bandana @ Vandana Choudhary, a/a 44 years d/o Daya Ram Choudhary, resident of House no. 2662 Sector-37-C Chandigarh

On SA

Stated that I have effected the compromise with the petitioner/accused Baljit Kumar, Satpal Singh and Raman



Pal all residents of Village Kolian PS Mukerian Distt. Hoshiarpur at present r/o 5836 Aplomado Drive Burke V.A. 22015 USA in the presence of respectable of the locality. Now, I have no grudge or grievances against the petitioners/accused. I have effected the compromise voluntarily, without any pressure, coercion and undue influence and same is genuine. I have no objection, if the present FIR may be quashed.

RO & AC

*(Rajwinder Kaur-I), PCS
SDJM/Dt. 4.1.2018*

16. Thereafter, another report was sent by the Sub-Divisional Judicial Magistrate, Mukerian dated 22.02.2018, wherein it has been stated that the statements pertaining to the petitioners have been recorded and the aforesaid report is reproduced as under:-

“In view of the above order dated 17.1.2018, the petitioners/accused Satpal and Ramanpal have appeared before this Court on 12.2.2018 who have been admitted to interim bail on their furnishing bail bonds and surety bonds in the sum of Rs. 50,000/- with one surety in like amount and thereafter their statement have been recorded in the Court as per order dated 16.11.2017 who have stated in unequivocal terms that matter has been settled amicably between the parties without any pressure, undue influence or coercion. It is further submitted that statements of complainant/respondent Bandana (whose statement has already been forwarded to Hon'ble Punjab and Haryana High Court), petitioner/accused Baljit Kumar, petitioner/accused Sat Pal and petitioner/accused Ramanpal have been recorded as per order dated 16.11.2017 passed by



Hon'ble Punjab and Haryana High Court. Thus, after going through the statements of the parties it is reported that the compromise is genuine, voluntary and without any coercion or undue influence. All the grievances have been settled amicably between the parties without any coercion or undue influence. It is further reported that as per SHO report, there were six accused out of which accused Parkasho Devi died and proceeding against two accused namely Pawan Kumar and Surinder Kaur were quashed by Hon'ble Punjab and Haryana High Court and remaining three accused are Baljit Kumar, Satpal and Raman Pal. The affected person is complainant Bandana. The accused Baljit Kumar, Satpal and Raman Pal were declared as PO in this case and as per police report, the accused are not involved or convicted in any other case. The report is hereby submitted for kind consideration and further necessary action, please.

Hence submitted.

Yours faithfully,

*(Rajwinder Kaur-I) PCS,
Sub Divisional Judicial Magistrate,
Mukerian (UID No. PB0352)*

17. A perusal of the aforesaid both the reports would show that all the three petitioners and respondent No.4-complainant have got their statements recorded with regard to compromise arrived at between the parties without any undue influence or coercion.

18. Learned counsel for the petitioners during the course of arguments referred to Annexure P-2 in CRM-M-14326-2014, wherein rather two other relatives, who were also accused in the present FIR had filed a petition before



this Court, in which the FIR qua them have been quashed on the basis of compromise.

19. Hon'ble Supreme Court in *State of Madhya Pradesh versus Laxmi Narayan and others, 2019(2) SCC (CrL.) 706* and also in *Gian Singh versus State of Punjab and another, 2013 (1) SCC (CrL.) 160* and Full Bench judgment of this Court in *Kulwinder Singh and others versus State of Punjab, 2007 (3) R.C.R.(Criminal) 1052* held that where the offence does not fall in the category of any serious or heinous offence and the Court is satisfied that considering the facts and circumstances of the case, it will not be in the interest of justice to continue with the prosecution, then FIR can be quashed on the basis of compromise.

20. After perusing the aforesaid reports sent by the Sub-Divisional Judicial Magistrate, Mukerian, this Court is of the considered view that once all the parties i.e. the petitioners and respondent No.4-complainant have specifically got their statements recorded before the learned trial Court/Illaq Magistrate by stating that amicable settlement has been arrived at between them without any coercion or undue influence, the subject matter of the present FIR being essentially a matrimonial dispute does not fall in the category of any serious or heinous offence. The present FIR is otherwise of the year of 2007. The marriage between the petitioner, namely, Baljit Kumar and respondent No.4-wife also stands dissolved as per learned counsel for the petitioners. Respondent No.4-complainant has already received a total amount of alimony of Rs.15,00,000/- as full and final settlement of all her claims, as per order dated 08.11.2017 as reproduced above.



21. Therefore, this Court is of the view that considering the aforesaid facts and circumstances, both the petitions pertaining to quashing of the FIR i.e. CRM-M-14326-2014 and CRM-M-24589-2014 deserve to be allowed.

22. Consequently, CRM-M-14326-2014 and CRM-M-24589-2014 are allowed. The impugned FIR No.110 dated 31.07.2007, under Sections 498-A, 406, 323, 376, 506, 148 and 149 of the IPC, registered at Police Station Mukerian, District Hoshiarpur, Punjab, along with all consequential proceedings arising therefrom is hereby quashed, on the basis of compromise, qua all the three petitioners.

23. So far the remaining two petitions filed by the petitioners i.e. CRM-M-41105-2014 and CRM-M-41106-2014 pertaining to challenge to the orders declaring them as proclaimed offenders is concerned, once the petitioners have already surrendered and they have been admitted to interim bail, no further orders are required to be passed in the aforesaid two petitions since after the surrender, the petitioners are no longer proclaimed offenders and therefore, both the aforesaid petitions are disposed of.

24. Consequently, the impugned order dated 16.02.2011 (Annexure P-3) in CRM-M-41105-2014 and the impugned order dated 29.08.2008 (Annexure P-3) in CRM-M-41106-2014, vide which the petitioners were declared as proclaimed offenders become inoperative.

(JASGURPREET SINGH PURI)
JUDGE

08.07.2025
Chetan Thakur

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