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

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Date of decision : 14.02.2025

Amrik Singh @ Amrik Singh Tumber

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Saurav Bhatia, Advocate and
Mr. Kender Mani, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. K.S.Billing, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Amrik Singh @ Amrik Singh Tumber has filed instant petition under Section 482 Cr.P.C. for quashing of FIR No.297 dated 16.11.2002, under Section 498-A of IPC, registered at Police Station Banga, District Shaheed Bhagat Singh Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.05.2023 (Annexure P-2).

2. As per the facts of the case, complainant Paramjit Kaur filed written complaint alleging that her marriage was performed with Amrik Singh @ Amrik Singh Tumber son of Nirmal Singh on 23.03.1992. Her father had given dowry beyond his capacity. After about 2 ½ years, her husband Amrik Singh @ Amrik Singh Tumber went to America through Germany and England. All expenses were borne by her father. Out of this wedlock, they have two children, son aged about 8½ years and daughter aged about 6 ½ years. After some time when her husband had gone abroad, her father-in-law Nirmal Singh, mother-in-law Surjit Kaur and



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brother-in-law Lakhwinder Singh @ Lakha started harassing her. They turned out to be greedy persons. Her husband kept another lady in America. He called her as sister but in fact he was having illicit relations with her. They wanted that she should leave the matrimonial home. Her husband and in-laws family started levelling false allegations regarding her character and wanted to defame her. She told everything to her parents. The relatives tried to make them understand. Finally, she was taken to her parental house. On 23.09.2002, the matter came before ASI Bhajan Kaur, Incharge Women Cell and it was settled that she will be given Rs.3,000/- towards maintenance. The accused did not stick to the compromise and refused to maintain her. Ultimately, with these allegations present FIR was registered.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 17.09.2024, petitioner and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report dated 13.11.2024 regarding compromise has been received from the court of Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar. In the said report, it was confirmed that compromise between Paramjit Kaur and accused Amrik Singh @ Amrik Singh Tumber is genuine, voluntary, without coercion or undue influence. There were four accused named in this case namely Amrik Singh @ Amrik Singh Tumber, Nirmal Singh, Surjit Kaur and Lakhwinder Singh @ Lakha. Accused Nirmal Singh died during the pendency of trial whereas Surjit Kaur and Lakhwinder Singh @ Lakha were acquitted vide judgment dated 07.04.2011. Regarding present petitioner- Amrik Singh @ Amrik Singh Tumber, it was mentioned that as per statement of ASI Ravinder Kaur, Amrik Singh @ Amrik Singh Tumber was declared proclaimed offender.



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4. Status report is also received in this case confirming the aforesaid factual position. In para No.6 of the status report, it was categorically stated that learned trial Court had issued proclamation against present petitioner under Section 82 Cr.P.C. vide order dated 24.05.2003.

Subsequently, learned counsel for petitioner as well as respondent No.2 filed amended compromise Annexure P-4 clarifying the fact that inadvertently in the earlier compromise, it was wrongly mentioned due to inadvertent mistake that Amrik Singh @ Amrik Singh Tumber was proclaimed offender. In fact, he was never declared proclaimed offender. Thereafter, report was called from learned trial Court. The report is received vide letter No.190 dated 05.04.2024 where it is specifically mentioned that proclamation proceedings were ordered to be issued against accused Amrik Singh @ Amrik Singh Tumber but no formal order was passed declaring him proclaimed offender. Therefore, while presenting challan against other co-accused, it was wrongly mentioned that Amrik Singh @ Amrik Singh Tumber has been declared proclaimed offender by the investigating officer. Therefore, now it is clarified that petitioner-Amrik Singh @ Amrik Singh Tumber was never declared proclaimed offender, though proceedings were initiated in this direction.

5. Statement of respondent No.2 has been recorded, where she confirmed the compromise with petitioner. She confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and she has no objection regarding quashing of FIR.

Statement of Lakhwinder Singh @ Lakha (power of attorney holder of Amrik Singh @ Amrik Singh Tumber) and Petitioner- Amrik Singh @ Amrik



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Singh Tumber (through video conferencing) have also been recorded confirming the aforesaid compromise.

6. Therefore, from the report of Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, it is clear that compromise has been effected between the parties without any pressure, coercion or undue influence. They have mutually settled all their claims arisen from matrimonial dispute. As per compromise the dispute is settled in lump sum amount of Rs.15,00,000/-. Now, they will be able to live independently in peace. No purpose would be served with the continuation of criminal proceedings.

7. Gainful reference can be made to the judgment of Larger Bench of Five Judges of this High Court cited in **2007(3) R.C.R. (Criminal) 1052 tilted as Kulwinder Singh and Ors. Vs. State of Punjab and Anr.**, where it was explained that 'there can never be any hard and fast category which can be prescribed to enable the court to exercise its power under Section 482 of Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the section itself i.e. to prevent abuse of the process of any court or to secure the ends of justice.'

8. Therefore, by relying upon the ratio of the aforesaid judgment, no purpose would be served with the continuation of criminal proceedings. Considering these facts, the petition filed by the petitioner is accepted and FIR No.297 dated 16.11.2002, under Section 498-A of IPC, registered at Police Station Banga, District Shaheed Bhagat Singh Nagar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

14.02.2025.

Sunil Devi

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No