

Criminal Misc. M- No. 13434 of 2017 (O&M)

Date of decision : May 16 2017

Jitenderpal Singh

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. G.S. Attariwala, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

LISA GILL, J.

This petition has been withdrawn in respect to FIR No. 194 dated 18.07.2016 registered under Sections 148, 149, 323, 341, 506 IPC and under Sections 30, 54 of Arms Act at Police Station Kalanwali, District Sirsa on 25.04.2017 to avail remedies as may be available to the petitioner. The present petition, therefore, pertains solely to permission to go abroad in respect to FIR No. 127 dated 24.05.2014 registered under Sections 498A, 307, 328, 323, 313, 120B and 34 IPC (offences punishable under Sections 307, 313, 328 IPC were later deleted) only.

The petitioner seeks permission to visit Canada to fulfil the condition of maintaining his status as a permanent resident of Canada. He intends to visit Canada for a period of six months for this purpose. FIR No. 127 dated 24.05.2014 was registered against the petitioner due to matrimonial discord with his wife. It is submitted that the matter has been amicably resolved with his wife. CRM M-No. 24956 of 2016 has been filed

by the petitioner and others for quashing of FIR No. 127 dated 24.05.2014 on the basis of settlement between the parties. Statements of the parties in respect to the settlement have been recorded before the learned trial Court on 29.04.2017 pursuant to orders of this Court. CRM M-No. 24956 of 2016 is fixed before this Court for 17.07.2017. Furthermore, a petition under Section 13-B of the Hindu Marriage Act, 1955 ('the Act' - for short) has been filed by the petitioner and his wife. The said petition has been allowed by the learned District Judge, Sirsa on 07.04.2016 (Annexure P-7). The entire settled amount due towards respondent No. 2 – wife has been received by her. It is submitted that an irreparable loss will be caused to the petitioner in case he is not permitted to visit Canada as he would be at peril of losing his status of a permanent resident in the said country.

Mr. Ajay Singh Mann, Advocate appears on behalf of respondent No.2 and files his power of attorney. Same is taken on record subject to just exceptions.

Learned counsel for respondent No. 2 affirms and verifies the factual position as above. It is further verified that the entire settled amount due towards respondent No. 2 has been received by her. Petition under Section 13-B of the Act filed by the petitioner and his wife has been allowed. Statements of the parties in respect to the settlement arrived at in respect to quashing of FIR No. 127 dated 24.05.2014 have been recorded before the learned trial Court on 29.04.2017. It is submitted that respondent No. 2 has no objection to the quashing of the above said FIR against the petitioner. She has already recorded her statement in this respect and would be affirming the same before this Court on 17.07.2017. The matter before

the learned trial Court is fixed thereafter. Respondent No. 2, it is submitted, has no objection in case the petitioner is permitted to visit Canada for a period of six months.

Keeping in view the peculiar facts and circumstances of the case, the petitioner is permitted to visit Canada for a period of six months subject to his furnishing surety to the satisfaction of the learned trial Court. The petitioner shall further undertake to be represented by a counsel and not object to any of the proceedings before the learned trial Court on the ground of his absence and shall further undertake to appear before the learned trial Court as and when required.

It is reiterated that the present order passed on its peculiar facts shall have no bearing of the proceedings in FIR No. 194 dated 18.07.2016 or any case pending against the petitioner in regard to which the petitioner is at liberty to seek remedies as may be available to him in accordance with law.

May 16, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No