

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

CRM-M- 46907 of 2017 (O&M)
Date of decision: 08.12.2017

Ram Lubhaya

...Petitioner(s)

Versus

Surinder Kaur

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. K.S. Dadwal, Advocate for the petitioner(s).

Jitendra Chauhan, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of complaint No.137 dated 07.12.2011, summoning order dated 15.12.2014 and order dated 16.03.2017, whereby the petitioner was ordered to be charge sheeted for the offence under Sections 406 and 498-A of IPC and order dated 25.09.2017, declaring the petitioner as proclaimed offender and all consequential proceedings arising therefrom.

The learned counsel does not press the petition qua quashing of complaint.

Prayed allowed.

However, he refers to Annexure P-2 to contend that the present complaint was filed a day earlier to the petition filed under Section 13 of the Hindu Marriage Act, whereby ex parte decree of

divorce had been obtained by the respondent.

Keeping in view the fact that the marriage is not in dispute and Annexure P-2, whereby the petition under Section 13 of the Hindu Marriage Act, filed by the respondent was allowed ex parte, it is ordered that the operation and effect of the impugned order dated 25.09.2017, (Annexure P-6) whereby the petitioner was declared as a proclaimed offender shall remain stayed, in case the petitioner surrenders within two weeks from today.

This petition is disposed of without issuing notice to the respondent with a view to impart complete justice to the parties and save the huge expenses, which may be incurred by the respondent as also in order to avoid unnecessary delay in adjudication of the matter. Still, if dissatisfied, the respondent may move this Court for recalling this order within three months from the receipt of certified copy of this order.

Disposed of, accordingly.

08.12.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No