

Criminal Misc. No. M- 6435 of 2017 (O&M)

Date of decision : November 07, 2017

Navdeep Kajal

.....Petitioner

Versus

Sardha Ram and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sunil Chadha, Senior Advocate with
Ms. Swati Verma, Advocate
for the petitioner.

Mr. Vikram Bali, Advocate
for respondent No. 2.

Mr. Saurav Khurana, DAG, Punjab.

LISA GILL, J.

The petitioner seeks the quashing of order dated 01.08.2015 passed by the learned Sub Divisional Judicial Magistrate, Phagwara, vide which the petitioner was declared a proclaimed person in criminal complaint No. 17 dated 04.03.2015. It is submitted that the above said complaint stands withdrawn as reflected in order dated 04.06.2016 (Annexure P-6), in view of the compromise arrived at between the parties. The dispute arose due to matrimonial discord between the petitioner and respondent No. 2. It is submitted that petition under Section 13B of Hindu Marriage Act, 1955 ('the Act' – for short) filed by the parties was allowed on 02.12.2016 (Annexure P-7). The entire amount due towards respondent No. 2 has admittedly been received by her.

Respondent No. 1 – complainant suffered a statement before the learned Judicial Magistrate First Class, Phagwara on 04.06.2016 in respect to the settlement arrived at between the parties. It is stated by

respondent No. 1 that he has no objection whatsoever in case the proceedings declaring the petitioner as proclaimed offender are set aside. The said statement dated 04.06.2016 alongwith the receipt of the amount received is attached as Annexure P-6 with this petition.

Learned counsel for respondents No. 1 and 2 verifies and affirms the factum of settlement between the parties. It is re-affirmed that the entire settled amount due towards respondent No. 2 has since been received by her. Petition under Section 13B of the Act has been allowed. It is stated that respondents No. 1 and 2 have no objection whatsoever to the quashing of the impugned order, in view of the settlement arrived at between the parties.

I have heard learned counsel for the parties.

There is no dispute that the complaint No. 17 dated 04.03.2015 stands withdrawn in view of the settlement between the parties who have given a quietus to their matrimonial dispute and decided to carry on with their respective lives. Impugned order dated 01.08.2015 emanates from the said dispute itself. In the given facts and circumstances as narrated above, it is considered just and expedient to set aside order dated 01.08.2015.

Accordingly, order dated 01.08.2015 is set aside and this petition is allowed.

(Lisa Gill)
Judge

November 07, 2017
rts

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No