

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

CRM-M-37741-2021 (O&M)

Date of decision: 01.11.2021

Rajpal Sharma and another

.....Petitioners.

vs.

State of Punjab and another

.....Respondents.

CORAM: - HON'BLE MR JUSTICE RAJESH BHARDWAJ

Present: - Mr. Vishal Nehra, Advocate, for the petitioners.

RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in the present petition under Section 482 Cr.P.C. for quashing of the impugned order dated 18.11.2019 (Annexure P-5) passed by the learned Judicial Magistrate Ist Class, Jalandhar, arising out of FIR No. 37 dated 26.05.2018 under Sections 406, 498-A IPC, registered at Police Station Women Cell, Jalandhar (Annexure P-3), vide which the petitioners have been declared proclaimed person.

Learned counsel for the petitioners submits that respondent No. 2 has already taken divorce from her husband in UK itself. He submits that in the facts and circumstances, the prosecution of the petitioners is nothing but an abuse of the process of the Court.

Learned counsel for the petitioners has also placed on record the air tickets of the petitioners showing that both the

petitioners are landing in India on 28.11.2021. He further submits that the petitioners are ready to appear before the Court concerned and pray for their protection from arrest.

Notice of motion.

Ms. Amarjit Kaur Khurana, learned Deputy Advocate General, Punjab, accepts notice on behalf of the State-respondent No. 1.

In the peculiar facts and circumstances of the case, present petition is disposed of with a direction to the parties to appear before the Court concerned within 07 days from 28.11.2021, they would have protection from arrest for 07 days from the date of landing. In case within this period, they appear before the Court concerned and file an appropriate application, the Court concerned would deal with the same in accordance with law.

It is made clear that if the petitioners fail to comply with this order, the protection granted would be deemed to be vacated.

Disposed of in the aforesaid terms.

01.11.2021

preeti
whether speaking/non speaking
whether reportable/non reportable

(RAJESH BHARDWAJ)
JUDGE

yes/no
yes/no