

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-34965-2020 (O&M)
Date of Decision:-24.3.2021

Nitin Surana

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jitender K. Goel, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Jasvir Kaur.

Mr. Jasraj Singh, Advocate for respondent No.2/complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking quashing of order dated 1.9.2020 passed by learned Chief Judicial Magistrate, Hoshiarpur and also notice dated 21.9.2020 issued under provisions of Section 105-B Cr.P.C.
2. The matter arises out of a matrimonial discord between the petitioner and his wife Gurleen Kaur, which led to registration of FIR No.0001 dated 7.1.2020 at Police Station Model Town, Hoshiarpur, Punjab under Sections 406 and

498-A of Indian Penal Code against the petitioner and also his parents as well as brother of the petitioner.

3. Learned counsel for the petitioner has submitted that the matter has now been amicably resolved amongst the parties and that pursuant to compromise the parties have already got their marriage dissolved by way of a decree of divorce by mutual consent. It has further been submitted that a petition for quashing of the FIR on the basis of compromise has also been instituted.
4. Upon perusal of the earlier orders passed in this petition, this Court finds that while certain interim directions protecting the arrest of the petitioner had been issued but a formal notice has not been issued to the respondents so far.
5. Notice of motion to the respondents.
6. On asking of the Court, Mr. Ajay Pal Singh Gill, DAG, Punjab, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.
7. Mr. Jasraj Singh, Advocate representing respondent No.2 also accepts notice on behalf of respondent No.2.
8. Learned State counsel as well as learned counsel for the complainant/respondent No.2 have expressed that they have no objection in case the main case itself is taken up for final hearing today itself particularly keeping in view the fact that the matter has been amicably resolved amongst the parties.
9. It may here be mentioned that the petitioner has also moved an application i.e. CRM-7743 of 2021 seeking permission to travel to United States of America (USA) to resume his duties at Google LLC.

10. Learned State counsel as well as learned counsel for the complainant/respondent No.2 have submitted that they would have no objection for either the main petition itself being allowed in view of the compromise or even for permitting the petitioner to travel abroad provided the petitioner furnishes some heavy security so as to ensure that he does not misuse the concession in any manner.
11. It may here also be mentioned that neither of the counsel dispute the fact that in the petition for quashing of FIR on the basis of compromise, the statements of the parties qua the factum of compromise have already been recorded before the Chief Judicial Magistrate, Hoshiarpur.
12. Keeping in view the aforestated factual position, wherein the parties have resolved their matrimonial discord and have already parted ways amicably and a petition for quashing of FIR on the basis of compromise is already pending in this Court, the petition merits acceptance and is hereby accepted and order dated 1.9.2020 passed by learned Chief Judicial Magistrate, Hoshiarpur and also notice dated 21.9.2020 issued under provisions of Section 105-B Cr.P.C. are hereby quashed. It is further directed that the petitioner is permitted to travel to USA so as to enable him to resume his duties at Google LLC subject to the condition that he furnishes FDR for an amount of ₹10 lakhs favouring Registrar General, Punjab and Haryana High Court, Chandigarh within a period of 1 week from today. In case for any reason, the FIR in question is not quashed by this Court and the trial in respect of the FIR has to proceed and the presence of the petitioner cannot be secured, the aforesaid FDR along with proceed thereon shall stand forfeited to State. However, in case the FIR in question is quashed, the aforesaid FDR

along with proceeds thereon shall be released to the petitioner. It is further clarified that the petitioner shall comply with all terms and conditions of the compromise especially the term as agreed to the effect that he shall withdraw all litigation, which is stated to be pending in the Courts at USA.

13. The present petition stands accepted accordingly.

24.3.2021

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No