

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

CRM-M-45817-2022

Date of Decision: 30.09.2022

Manjinder Singh Bajwa and others Petitioners
Versus

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.S.S.Salar, Advocate, for the petitioners.

Rajesh Bhardwaj, J.

Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of order dated 16.7.2019, Annexure P-9, passed by learned Judicial Magistrate First Class, Jagraon, declaring the petitioners as proclaimed offenders in FIR No.19, dated 23.12.2016, registered under Section 498-A, 406 IPC, at Police Station Women, District Ludhiana Rural.

Learned counsel for the petitioners submits that petitioners and respondent No.2 have already settled the dispute amicably. He has submitted that nature of the dispute was matrimonial discord between the parties. He has further submitted that petitioners are in Canada and they are keen to return to India to join the proceedings/investigation. He submits that they were declared proclaimed persons in their absence and once the parties have already settled the dispute amicably, their prosecution in the FIR would be nothing but an abuse of the process of the Court. He submits that in case the petitioners return to India within a month, they be granted protection from their arrest to enable them to appear before the Court of competent jurisdiction/investigating Agency. Learned counsel for the petitioners submits that the petitioners would return India by 31.10.2022.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

After hearing counsel for the parties and perusing the record of this case, the Court is of the opinion that submissions made by learned counsel for the petitioners are genuine. There is matrimonial discord, which has been settled by both the sides. The petitioners are keen to return to India and the only apprehension is of their arrest on their arrival in India. Hence, in the facts and circumstances, this petition is disposed of with liberty to the petitioners that in case they return to India by 31.10.2022 and appear before the Investigating Agency/the Court of competent jurisdiction within ten days from their arrival to India with an appropriate application/petition for redressal of their grievances, then they would have the protection from their arrest from the date of their arrival upto ten days thereafter. The Court of competent jurisdiction would decide their application so filed in accordance with law.

Needless to say that if the petitioners do not comply with the aforementioned direction, this order would be of no avail to them.

Disposed of in the above mentioned terms.

30.09.2022
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/Nos