

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-37705-2023

Date of Decision: 04.08.2023

Shri Niwas

.... Petitioner

Versus

Anjali Kumari

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Balram Singh, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

By way of filing the present petition under Section 482 Cr.P.C., the petitioner seeks quashing of order dated 09.09.2022 (Annexure P-5), passed by the learned Judicial Magistrate Ist Class, Phagwara, declaring the petitioner as proclaimed person in Criminal Complaint Case bearing No. COMI/31/2017, titled as 'Anjala Kumari vs. Shri Niwas and others'.

Learned counsel for the petitioner *inter alia* contends that during the pendency of the main complaint, the matter has been compromised between the parties and the same was dismissed as withdrawn vide order dated 03.02.2023 (Annexure P-4). He further submits that a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for grant of decree of divorce by way of mutual consent has already been filed by the parties, wherein statements of the parties of first motion have also been recorded. He also submits that only the impugned order dated 09.09.2022 (Anenxure P-5) is now subsisting

against the petitioner. It is also submitted that since, main complaint having been dismissed as withdrawn by the trial Court, continuance of the proceedings under Section 82 of the Cr.P.C. would be nothing, but an abuse of the process of law.

Notice of motion.

Mr. A.S. Ahluwalia, Advocate has put in appearance on behalf of the respondent and filed Vakalatnama in Court today, which is taken on record. Learned counsel for the respondent admits the factum of compromise between the parties and submits that he has no objection in case, the present petition is allowed and the impugned order dated 09.09.2022 (Annexure P-5) is set aside.

In view of submissions made by learned counsel for the parties and the fact that matter has been compromised between the parties, the present petition is allowed and impugned order dated 09.09.2022 declaring the petitioner as proclaimed offender and all subsequent proceedings arising therefrom are ordered to be set aside.

04.08.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No