

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-33114-2022 (O&M)
Date of decision: 26.02.2024

NIKHIL KAJLA

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CRM-M-18644-2022 (O&M)

JOGINDER SINGH KAJLA AND ORS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Parshant Sethi, Advocate
for the petitioner(s).

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. Sumit Sharma, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J. (ORAL)

1. Vide this common order, the above-mentioned two petitions shall stand allowed.

CRM-1249-2024

1. The present application has been filed for preponing the date of hearing in the main case, which is already listed for 31.03.2024.
2. For the reasons mentioned in the application, the same is allowed.

3. The date of hearing in the main case is preponed and the main case is taken on Board today.

CRM-18907-2023

1. The present application has been filed for placing on record certified copy of judgment and decree dated 03.10.2022 under Section 13-B of the Hindu Marriage Act, 1955 as Annexure P-5, zimni orders passed by Judicial Magistrate, 1st Class, Karnal as Annexure P-6 and complete photocopy of passport of the petitioner as Annexure P-7.

2. For the reasons mentioned in the application, the same is allowed.

3. Annexures P-5 to P-7 are taken on record subject to all just exceptions.

4. Office to tag the same at appropriate place.

Main case

[1] Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.126 dated 11.03.2017, registered for offences under Sections 323, 354, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Gharaunda, District Karnal, Annexure P-1, and order dated 01.10.2018 passed by Judicial Magistrate First Class, Karnal, Annexure P-2, whereby the petitioner has been declared as a proclaimed person, along with all subsequent proceedings arising therefrom, on the basis of panchayati compromise dated 07.04.2022, Annexure P-3, arrived at between the parties.

[2] Learned counsel for the petitioner(s) *inter alia* contends that the marriage of the petitioner-Nikhil Kajla was solemnized with complainant-respondent No.2-Preeti in the year 2015. After the marriage, the petitioner-husband and respondent No.2-wife moved to Australia and remained there as

husband and wife. Due to some differences, the respondent No.2-wife left the company of the petitioner-husband and returned back to India, thereafter, she got registered the present FIR against the petitioner and his family members. The petitioner-husband being out of country failed to join the proceedings and ultimately he was declared proclaimed person by the Judicial Magistrate 1st Class, Karnal vide order dated 01.10.2018 (Annexure P-2). He further contends that now the matter has been resolved between the parties by way of panchayati compromise dated 07.04.2022 (Annexure P-3). He submits that the marriage between the parties has been dissolved as per decree dated 03.10.2022 passed by the Family Court, Karnal (Annexure P-5). He further submits that as per the compromise, respondent No.2-wife has received a sum of Rs.40 lakhs for settlement as full and final payment of alimony and custody of girl child shall remain with respondent No.2-wife, as such, respondent No.2 does not want to take any action in the present FIR. As per order dated 01.08.2022, the petitioner was directed to deposit costs of Rs.25,000/- with the Punjab and Haryana High Court Bar Association (Benevolent Fund), Chandigarh and subsequently the said compliance was made and it was noted in the order dated 06.08.2022 that the amount of Rs.25,000/- was deposited by the petitioner.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties and contends that respondent No.2 has no objection for acceptance of the present petition. He further contends that matrimonial ties have already been dissolved between the parties and respondent No.2 has received a sum of Rs. 40 lakhs as settlement for full and final payment of alimony.

[4] As per order dated 17.05.2022 and 06.08.2022 passed by the

Coordinate Bench of this Court, the parties were directed to appear before the Area Magistrate/trial Court for recording of their statements and the report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 15.10.2022 of Court of Ms. Archana, Judicial Magistrate First Class, Karnal statements of petitioners and complainant-respondent No.2 as well as Investigating Officer have been recorded. She has submitted that the compromise is genuine and voluntary without any force or undue influence. She has further submitted that one FIR No.520 dated 27.07.2019 registered under Section 174-A IPC at Police Station Gharaunda, District Karnal is pending against the accused-Nikhil Kajla. There is only one complainant-victim in the present FIR and the compromise is supported by her.

[6] Learned State counsel on instructions from the Investigating Officer of the case has not raised any objection regarding the acceptance of the present petition.

[7] The Hon'ble Apex Court in *Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543*, has observed that in order to secure the ends of justice or to prevent the abuse of the process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[8] Since it was a matrimonial dispute and now the parties have settled the same by mutually arriving to a compromise and they have decided to mutually end all the litigation *inter se* the parties. Decree of divorce has already been granted by the Family Court, as such, further continuing with the present FIR is not in the interest of the parties. This Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[9] Consequently, these petitions are allowed. The order dated 01.10.2018

passed by Judicial Magistrate First Class, Karnal, Annexure P-2, whereby the petitioner has been declared as a proclaimed person is set aside and FIR No.126 dated 11.03.2017, registered for offences under Sections 323, 354, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Gharaunda, District Karnal and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

26.02.2024

P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No