

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

149/B

CRM-M-41714-2023 (O&M)
Date of decision: 26.02.2024

NIKHIL KAJLA

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Parshant Sethi, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

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

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of order dated 01.10.2018 (Annexure P-2) passed by the Judicial Magistrate 1st Class, Karnal, whereby the petitioner has been declared as proclaimed person and for quashing of FIR No.520 dated 27.07.2019 registered at Police Station Gharaunda, District Karnal under Sections 174-A of the IPC on the basis of the order dated 01.10.2018.

[2] Learned counsel for the petitioner *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-5). 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-4). 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. It is further contended that the petitioner had filed a separate petition i.e. CRM-M-33114-2022 for quashing of the main FIR No.126 dated 11.03.2017 registered at Police Station Gharaunda, District Karnal under Sections 323, 354, 406, 498-A, 506 of the IPC on the basis of compromise. All the litigation *inter se* the parties have ended, as such, respondent No.2 does not want to take any action against 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] In the connected petition i.e. CRM-M-33114-2022, the statement of the parties have been recorded. The trial Court has sent a report dated 15.10.2022 verifying the genuineness of the compromise between the parties.

[5] Learned State counsel on instructions from the Investigating Officer of the case has not raised any objection regarding the acceptance of the present petition. He has informed that cancellation report in FIR No.520 dated 27.07.2019 has been submitted in the trial Court.

[6] In terms of the decision by the Hon'ble Apex Court in *Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543* and Hon'ble the Full Bench of this Court in Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052, I am of the considered opinion that the ends of the justice would meet if a compromise between the parties is accepted, since the impugned order declaring the petitioner as proclaimed offender and consequently the FIR No.520 dated 27.07.2019 registered at Police Station Gharaunda, District Karnal under Sections 174-A of the IPC is a result of matrimonial dispute which has been now mutually settled by the parties. The marriage between the petitioner and respondent No.2-complainant has been dissolved by a decree of divorce, so in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[7] Consequently, this petition is allowed and order dated 01.10.2018 (Annexure P-2) passed by the Judicial Magistrate 1st Class, Karnal; FIR No.520 dated 27.07.2019 registered at Police Station Gharaunda, District Karnal under Sections 174-A of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[8] 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