



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

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CWP-21571-2024
Date of Decision: 06.11.2024

VIJAY KUMAR CHAWLA AND ANOTHER

... Petitioners

VERSUS

UNION OF INDIA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Ajaivir Singh, Advocate for the petitioners.

Mr. Satya Pal Jain, Addl. Solicitor General of India
(through video conferencing) with Ms. Saigeeta Srivastava,
Advocate *(present in Court)* for respondents No.1 and 2 – U.O.I.

Mr. Suneel Ranga, DAG, Haryana
for respondent No.3.

Mr. Kunwar Rajan, Advocate for respondent No.4.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition to the regular Look Out Circular (LOC) dated 07.10.2022 which has been issued without proper consideration of the facts and circumstances in its totality and without proper application of mind; pursuant to registration of FIR No.83 dated 26.09.2022 under Sections 323, 406, 498-A, 506 and 420 of IPC and Section 65 and 66 of I.T. Act at Police Station Women Police Station, Panchkula.

Learned counsel for the petitioners contends that petitioner No.1 is the father-in-law while the petitioner No.2 is husband of respondent No.4. It is further submitted that they have been falsely roped as accused in the above referred FIR No.83 dated 26.09.2022. It is contended that the marriage between



petitioner No.2 and respondent No.4 was solemnized on 09.09.2021 in S.A.S. Nagar (Mohali) as per Hindu rites and ceremonies, however, no issue is born out of said wedlock. The petitioner No.2 being a PR holder of Canada, left India in December 2021 and the parties have been residing separately from each other since 28.12.2021. Unfortunately, the abovementioned FIR got registered on account of certain misunderstanding between the parties, but the same has been settled with the interference of the respectable persons and a settlement agreement dated 05.12.2023 was also executed between the parties. The said settlement agreement has been appended alongwith the present petition as Annexure P-5. The permanent alimony as per the agreement already stands transferred in favour of respondent No.4 and a petition under Section 13-B of Hindu Marriage Act, 1955 seeking annulment of marriage has also been filed.

It is further averred that eventually, the respondent No.4 got her statement recorded on second motion vide judgment dated 03.08.2024 wherein a specific reference has been made to the settlement agreement dated 05.12.2023. The decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 regarding dissolution of marriage between the petitioner No.2 and respondent No.4 has also been passed vide judgment dated 03.08.2024. He contends that notwithstanding the parties having amicably resolved the issue, the LOC issued at the request of the respondent No.3-State of Haryana has not been withdrawn.

Pursuant to the notice issued by this Court, short reply has been filed on behalf of respondents No.1 and 2- U.O.I., wherein it has been stated the LOC has been issued at the request of Investigating Agency i.e. the State of



Haryana and that the Authority which submitted the request for issuance of LOC is at liberty to seek modification/withdrawal of the specific request.

Mr. Kunwar Rajan, Advocate has entered appearance on behalf of respondent No.4 and has filed his power of attorney on her behalf duly signed by the Special Power of Attorney holder on behalf of the said respondent. Learned counsel for respondent No.4 has duly admitted the factum of compromise having been arrived at between the parties with mutual consent; and he has no objection to the withdrawal of the LOC issued against the petitioners.

Learned State Counsel, however, submits that he has not received the brief of the case today.

Considering the totality of the facts and circumstances noticed above as also the acknowledgement of factum of compromise/settlement between the parties, I find that seeking a separate reply from respondent No.3-State is not much essential at this stage.

In view of the above, the present petition is disposed of at this stage with a direction to respondent No.3-State of Haryana to reconsider its request for issuance of LOC against the petitioners in view of the subsequent events and developments that have taken place and as noticed above by this Court in the present order.

Let an appropriate decision be taken by the Competent Authority of respondent No.3-State of Haryana qua making an appropriate request regarding withdrawal/cancellation of the LOC in question to respondents No.1



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and 2- Union of India within a period of two months of the receipt of certified copy of this order.

Disposed of accordingly.

NOVEMBER 06, 2024.
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*