

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C482 No. 270 of 2019 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Narendra Bali, Advocate, for the applicant. Mr. V.K. Gemini, Deputy A.G., for the State of Uttarakhand. Mr. Bhuvnesh Joshi, Advocate, for respondent No. 2. This C-482 Application is emanating from a matrimonial dispute, which has resulted into the registration of FIR, being FIR No. 402 of 2017 dated 9th October, 2017, allegedly for the offences under Sections 323, 498-A, 504 of the IPC and Section 34 of the Dowry Prohibition Act, on which, the investigation was carried upon and a chargesheet, being Chargesheet No. 78/18 dated 8th March, 2018, was submitted by the Investigating Officer, on which, the present applicants have been summoned by the Court of Addl. Chief Judicial Magistrate, Laksar, District Haridwar, in Criminal Case No. 668 of 2018, State Vs. Ravi Saini and others, by an order dated 23rd August, 2018. When these proceedings were put to challenge, this Court was of the opinion, that since being a matrimonial dispute, there could be a possibility of settlement, hence, the parties were called upon to appear in person. The parties are present, who have been duly identified by their respective counsels. This Court has interacted with the complainant/respondent No.2, as well the applicant No.3, the husband of the complainant. The respondent No.2 has expressed her willingness to revive back the matrimonial relationship looking to the interest of their daughter, which has born out of the matrimony. But, however, the applicant No.3, has refused to revive back the matrimonial relationship, and he submits that he is not willing to revive the matrimonial

			relationship, for the reason being, that in the proceedings under Section 13 of the Hindu Marriage Act, which has been decided by the Family Court, which is now a subject matter of First Appeal and the same is pending consideration, coupled with the fact, that the applicants submit, that the initiation of the proceedings by way of FIR No. 402 of 2017 dated 9th October, 2017, is nothing but a malicious proceedings, for the reasons being, that based upon the same set of allegation, there happens to be a complaint case too which was registered by respondent No.2, under Section 156 (3) of the Cr.P.C., on which, the summoning order has been issued by registering the same as Misc. Case No. 50 of 2017, Smt. Reena Vs. Ravi Saini and others, by an order dated 31st March, 2017. The registration of the complaint proceedings and the consequential summoning order has been attempted to be utilized by the present applicants as a catalyst for putting a challenge to the proceedings of Criminal Case No. 668 of 2018, State Vs. Ravi Saini and others. But this Court is apprehensive to record any finding with regard to effect of the complaint case which has been registered by the respondent No.2, because that is to be independently considered by the Court before which the proceedings have been registered as a complaint case, where the defence might be taken by the present applicants about the effect of the cumulative proceedings being drawn by the complainant/respondent No.2. Since, apparently there is denial by applicant No.3 to revive back the matrimonial relationship, coupled with the fact, that since all the offences, for which, the applicants have been summoned by the order dated 23rd August, 2018, they carry a sentence of less than seven years, it would be appropriate, that all the litigations be brought to an end by a common platform, rather than forcing upon the parties to face the multiple proceedings before the different Courts. In that eventuality, this Court relegates the applicants to resort to their remedies before the Court of Addl. Chief Judicial Magistrate, Laksar, District Haridwar, by taking their recourse to the
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			principles as laid down by the judgment of the Hon'ble Apex Court as reported in (2022) 10 SCC 51, Satender Kumar Antil Vs. Central Bureau of Investigation and another. When the applicants face the proceedings of Criminal Case No. 668 of 2018, State Vs. Ravi Saini and others, it will be open for the applicants to argue the matter in the context of the effect of the complaint proceedings drawn by respondent No.2. Subject to the aforesaid, the C-482 Application stands disposed of. (Sharad Kumar Sharma, J.) Dated 21.08.2023 Shiv
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