

CRM-M No. 26619-2015

Date of decision : 18.12.2015

Ravi Kanta

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. A.K.Kansal , Advocate for the petitioner.
Ms. Harpreet Kaur, AAG, Haryana.
Respondent No.2 in person.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR No. 271 dated 02.12.2013, under Section 498-A IPC, registered at Police Station Narwana City on the ground that no offence has taken place at Narwana and, therefore, the FIR should be quashed in view of the decision of the Hon'ble Supreme Court in **Amarendu Jyoti v. State of Chhattisgarh** reported as 2014(12) SCC 362. Learned AAG has argued that at this stage it would not be possible to decide as to whether any part of the alleged offence took place at Narwana because an FIR cannot be taken to be an encyclopaedia of the entire facts of the case. Of course, if from the evidence it transpires that no part of the offence has taken place at Narwana the trial Court would dismiss the case after applying the principle laid down by the Hon'ble Supreme Court. Apart from that on 19.11.2015 the following order was passed:-

“ Learned counsel states that apart from the merits of this case the facts are that this is a matrimonial dispute. There is a young child from the marriage and there may be chances of some amicable settlement. They have further undertaken that they would themselves undertake the role of Mediators and bring this dispute to an end, if possible.

Adjourned to 08.12.2015.

Parties to the marriage are directed to be present in Court on the next date of hearing.”

On 08.12.2015 the petitioner and her husband came and the girl also appeared but the boy did not appear and it was assured that the matter would be settled. The complainant had very fairly stated that she was only anxious about her minor child and wanted settlement and had gone to the extent of saying that whatever amount the petitioner and her son wanted to give to the minor child she would not demand anything for herself and whatever amount was settled would be put in a fixed deposit for minor daughter so that at least there would be no concern about the maintenance for the child. Today learned counsel for the petitioner states that no settlement is possible. Keeping in view the above facts as well as the arguments of learned AAG, the present petition is dismissed.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

December 18, 2015
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