

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-8455-2015
Date of decision:13.7.2015

Swati Triptahi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Arpit Batra, Advocate for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner, by way of instant petition under Section 482 of the Code of Criminal Procedure ('Cr.P.C.' for short), seeks quashing of FIR No.227/14 dated 26.5.2014 registered under Sections 498-A, 406 and 323 IPC at Police Station, Sushant Lok, Gurgaon, which was got registered by the petitioner herself.

Notice of motion was issued and pursuant thereto, reply by way of affidavit dated 15.5.2015 has been filed.

Learned counsel for the petitioner submits that petitioner had to file the instant petition under compelling circumstances in view of the order Annexures P-2 passed by the learned court of competent jurisdiction in United States of America. He further submits that although the allegations levelled by the petitioner against the accused were wholly justified, yet under the changed circumstances and keeping in view the welfare of her children, she had to take this step by moving the present petition seeking quashing of the impugned FIR, which was lodged by herself, so that she can receive the maintenance amount granted by the learned court in America for the maintenance of her children as well as herself.

Faced with the above, learned counsel for the State also fairly states that let the petitioner appear before the investigating officer at an early date and make her statement so that appropriate action can be taken.

In view of the above, the present petition is disposed of with a direction to the petitioner to appear before the investigating officer within a period of one week from today. Petitioner, if so advised, may also appear before the Illaqa Magistrate to get her statement recorded under Section 164 Cr.P.C. Based on the statement(s) made by the petitioner, let further appropriate action be taken immediately without any further loss of time.

The Commissioner of Police, Gurgaon, is directed to look into the matter, ensure taking immediate action in FIR No.227/14 dated 26.5.2014 registered under Sections 498-A, 406 and 323 IPC at Police Station, Sushant Lok, Gurgaon in view of the peculiar facts and circumstances of the case noticed hereinabove. Let needful be done at an early date and in any case within a period of four weeks from the date of receipt of a certified copy of this order.

With the above-said observations made and directions issued, the instant petition stands disposed of.

A copy of this order, under the signatures of Special Secretary attached to this Bench, be given dasti to the learned counsel for the State for onward transmission to the Commissioner of Police, Gurgaon, for compliance thereof.

13.7.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE