

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

CRWP No.206 of 2016

Date of decision: 28th July, 2016

Omi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Hemlata, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent.

FATEH DEEP SINGH, J.

This petition which was filed through post and had been preferred by petitioner Omi wife of Dhanpat claiming to be mother of Sultan Singh, the missing youth. The allegations are that Sultan Singh her son aged 42 years left his village Saheri for attending to a Court hearing in Panipat in a divorce case and thereafter never returned. The petitioner has suspected that her estranged daughter-in-law Laxmi with whom Sultan Singh was having a litigation and was playing in the hands of one Satish son of Suraj Bhan of their village and who was instrumental in instructing her in filing various cases against her son including one qua maintenance. It is further alleged that Laxmi had

performed second marriage with this Satish and was living with her close relative Nafe Singh in Sonipat or sometimes with Satish in Delhi who works as a driver at Delhi Airport. The petitioner has alleged that Suraj Bhan son of Mange Ram, Shakuntla wife of Suraj Bhan, Vijay son of Suraj Bhan all residents of village Saheri, Nafe Singh, Nafe Singh's wife and sons namely Ajay and Mohne who are residing behind Sarang cinema were hand in glove with Laxmi and suspected their role in disappearance of their son who might have even killed him. Claiming that she had already filed complaint dated 20.01.2016 with the police to this effect that they were under threat from these persons and also sought protection for herself and her family.

Upon notice, State appeared and filed reply to the effect wherein it was the stand of the State that FIR No.89 dated 28.02.2016 under Section 346 IPC was registered with Police Station Kharkhoda on the complaint of the petitioner and which was investigated and it was revealed that marriage between Sultan Singh and Laxmi took place about 25 years ago. It was about 10 years prior to these allegations the couple had been living separately on account of their matrimonial dispute and a number of cases were filed claiming that ₹1.50 lacs was due to be paid by Sultan Singh as maintenance so awarded by the Court to his estranged wife and suspected that to ward-off this payment the present petition has come about. It was further stated by the

respondent/State that the whereabouts of Laxmi are not known and there is nothing to suggest that she has undergone another marriage.

Upon hearing Ms. Hemlata, Advocate for the petitioner; Mr. Munish Sharma, Asstt. Advocate General, Haryana for the respondent and on perusal of the records. It is much in abundance that there is a matrimonial dispute between Sultan Singh and his wife Laxmi and as a consequence of maintenance prayer husband has been directed to pay maintenance and arrears of which at the time of this reply by the State had surmounted to ₹1.50 lacs which have remained unpaid. The contentions and averments of the petitioner are more based on mere suspicion and there is no tangible allegation substantiated by any means and are more of a surmises and conjectures. Police has taken cognizance and after registration of the FIR on the complaint of the petitioner had duly investigated the matter, joined people in the investigations but did not arrive at any such conclusion so claimed that her son has disappeared. The husband as per the allegations suspected the role of Satish with whom she claims that his estranged wife was having amorous relation. Thus, apparently in the absence of any concrete proof of role of the accused or the disappearance of the son of petitioner there could be an eventuality of vengeance against Satish and Laxmi in the mind of Sultan Singh who has managed through his mother this petition to teach them a lesson. Apparently nothing is suggestive of the role of these persons so named which could necessitate indulgence by this

Court. In the light of submissions of learned State counsel the allegations on the very face are false, absurd and devoid of any truth and further as per stand of State counsel that untraced report is likely to be filed, there is no merit in this petition and the same stands dismissed.

(FATEH DEEP SINGH)
JUDGE

July 28, 2016
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No