IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No. M-15506 of 2016
Date of decision: 10.01.2017

Sushil and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioners.

Mr. D.R. Singla, DAG, Haryana.

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Ritu Bahri, J.

This petition under Section 482 Cr.P.C., is for quashing of FIR No.319 dated 19.06.2014, under Sections 498-A, 406, 506, 323 read with Section 34 IPC, registered at Police Station, City Palwal, District Palwal (Annexure P-1).

Chanchal and Nimta-respondent Nos. 2 and 3 are sisters. Their marriages were solemnized on 06.05.2013 with Sushil and Sudhir (petitioners). After marriage, they cohabited together as husbands and wives. But, no child was born out of the wedlock. Ultimately, FIR (Annexure P-1) was got registered with the allegations of harassment and cruelty.

Thereafter, both the parties filed petitions under Section 13-B of the Hindu Marriage Act, in which their statements (Annexures P-4 and P-5

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respectively) were recorded on 07.03.2015. Ultimately, their marriages were dissolved by decrees of divorce dated 07.03.2015 (Annexures P-2 and P-3) passed by the District Judge, Palwal.

Upon notice, reply on behalf of respondent No.1-State, by way of affidavit of Deputy Superintendent of Police, Palwal, has been filed, wherein it has been stated that after registration of the FIR, investigation was carried out and statements of the witnesses were recorded under Section 161 Cr.P.C. During investigation, offence under Section 354-B IPC was deleted qua father-in-law of the complainant(s). Shamsher (father of the petitioners), Suman, Sunil and Manisha were found innocent and kept in column No.2 of the report under Section 173 Cr.P.C. On 23.02.2015, challan was presented only against Sushil and Sudhir (petitioners). Out of 08 prosecution witnesses, 02 have already been examined. In the reply filed, the fact of grant of divorce has been denied for want of knowledge.

In the present case, Chanchal and Nimta (respondent Nos. 2 and 3) have not chosen to appear despite service. A perusal of judgments and decrees of divorce dated 07.03.2015 (Annexures P-2 and P-3) shows that amount of Rs.8,50,000/- each has been accepted by Chanchal-respondent No.2 and Nimta-respondent No.3 towards permanent alimony. They had further stated that after receiving their *istridhan* and permanent alimony, they would not claim anything from the petitioners in future. A perusal of the reply further shows that there was no medical evidence with regard to the offence under Section 323 IPC. Since respondent Nos. 2 and 3 have made their statements dated 07.03.2015 (Annexures P-4 and P-5) stating that nothing was due from their husband(s) and they could not cohabit together as husband(s) and wives and entire permanent alimony has been

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accepted by them, continuation of criminal proceedings on the basis of present FIR, at this stage, would amount to an abuse of the process of Court. Moreover, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.319 dated 19.06.2014, under Sections 498-A, 406, 506, 323 read with Section 34 IPC, registered at Police Station, City Palwal, District Palwal, is quashed with all consequential proceedings arising therefrom qua the petitioners.

The petition stands allowed accordingly.

10.01.2017 (RITU BAHRI)
ajp JUDGE

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

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