

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

Crl. Misc. M-13003 of 2018 (O&M)
Date of Decision: 28.3.2018

Dr. Rajvinder Singh Mann

...Petitioner

Versus

State of Punjab

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Pushpinder Kaushal, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure with a limited prayer that the trial court be directed to conclude the trial expeditiously in case titled State Versus Dr. Rajwinder Singh, arising out of FIR No. 18 dated 15.5.2011 under Sections 406, 498-A IPC registered at Police Station D. Division, District Amritsar.

Learned counsel for the petitioner contends that the marriage was solemnized in the year 2009 and thereafter the petitioner resided with the complainant for a period of approximately seven months before he left for USA. While residing there, divorce proceedings were initiated in the State of North Carolina, which was contested by the complainant, since she filed a written answer to the said proceedings. Eventually, a decree of divorce was granted on 29.4.2011.

The complainant Manmeet Pal Kaur also filed a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage by way of

decree of divorce before the Additional Sessions Judge, Amritsar, which petition was allowed ex-parte and the marriage was dissolved by order dated 16.3.2016. The complainant had already lodged FIR under Sections 406 and 498-A IPC in the aforesaid FIR in the year 2011 and the petitioner herein was declared as proclaimed person by order dated 13.6.2014, while he was residing in America. On return, he was arrested on 23.8.2016 and thereafter released on regular bail.

Learned counsel for the petitioner contends that the petitioner has been facing the proceedings under the FIR since his return and the trial is not progressing. In fact, there is an inordinate delay in locating the original file, as would be evident from the zimni orders so passed. It is also submitted that since the petitioner has been in India and is not allowed to travel on account of the pendency of the proceedings, his children in USA (from the first wife, who has expired), are being looked after by his neighbour and friends. It is also contended that the petitioner tried to settle the matter and made a fair offer for final settlement, which was declined by the complainant.

By way of filing the instant petition, as already noticed, a limited prayer is made that the trial court be directed to conclude the trial expeditiously since divorce has already been granted by the courts in India as well as in USA.

I have heard learned counsel for the parties and have also perused the zimni orders so passed.

This petition is disposed of without issuing notice to the respondent/complainant.

No doubt the proceedings were initiated as far back as in 2011. However, a perusal of the file would reflect that there has been inordinate delay in locating the original file so as to proceed with the proceedings in the FIR case. It is submitted that 10 witnesses have been cited, out of which only three were summoned and their statements have been recorded.

Therefore, in view of the peculiar circumstances of this case, this Court feels that it would be in the interest of all parties concerned to direct the trial court to expedite the trial. The petitioner herein undertakes not to seek unnecessary adjournment. Consequently, this petition is disposed of with the direction to the trial court to conclude the trial as expeditiously as possible, preferably within a period of three months from the date of receipt of certified copy of this order.

The petition stands disposed of in the above-said terms.

28.3.2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No