

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

CRM-M No. 22263 of 2018 (O&M)

Date of Decision: June 01, 2018.

RITU JAGLAN

..... PETITIONER

Versus

STATE OF HARYANA & ANR.

..... RESPONDENTS

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Ashok S.Chaudhary, Addl.AG, Haryana.

Mr. Sumit Gupta, Advocate, for respondent No. 2

LISA GILL, J.

The petitioner seeks setting aside of order dated 15.05.2018 (Annexure P-4) in case FIR No.1013, dated 07.12.2013 under Sections 323, 494, 354, 498-A, 406, 506 IPC, registered at Police Station Civil Lines, Karnal, whereby permission has been afforded to respondent No. 2 to go to United Kingdom for treatment of his wife till 12.08.2018 for a period of two months subject to furnishing a sum of Rs. 5 lakhs in the shape of an FDR.

Respondent No.2 is an accused in FIR No. 1013 dated 07.12.2013, under Sections 323, 494, 498A, 354 and 506 IPC. He is the father-in-law of the petitioner.

It is averred that CRM-M-2636-2016 has been filed by respondent No. 2 and his son-Dr. Satvinder Singh Choudhary (husband of the petitioner) for

quashing of the aforementioned FIR and all other consequential proceedings arising therefrom. In the said petition the learned trial Court was directed to adjourn the case beyond the date fixed in the said petition. Another petition bearing No. CRM-M-38882-2016 has been filed by the present petitioner for quashing of the proceedings initiated by respondent No. 2

It is contended that there is no requirement of the petitioner accompanying his wife (not an accused in the FIR) aged 70 years in United Kingdom in connection with her treatment as two of their sons are already in United Kingdom and can very well look after her. It is thus prayed that this petition be allowed.

It is relevant to note that the petitioner and son of respondent No. 2 were directed to remain present in Court to explore the possibility of an amicable resolution of the dispute. The entire dispute between the couple could however, not be settled, at this stage.

It is contended by learned counsel for the petitioner that respondent No. 2 is delaying the proceedings in the matter. Arguments are not being addressed in CRM-M-2636-2016 due to the interim order in their favour. Moreover, an affidavit by way of evidence has been tendered in proceedings under the Protection of Women from Domestic Violence by respondent No. 2 who is yet to be cross-examined. The said matter is listed before the trial Court on 25.07.2018. It is informed that the son of respondent No. 2 is to be cross-examined on 25.07.2018.

Learned counsel for respondent No. 2 has refuted the allegations. Respondent No.2, it is submitted is a retired XEN from the Department of

Irrigation in the State of Haryana and is a responsible senior citizen. It is stated that no such affidavit has been tendered before the learned trial Court in the proceedings as above. An affidavit dated 29.05.2018 of respondent No.2 has been furnished in Court. Specific averments in this respect have been made in para 3 of the affidavit dated 29.05.2018, which is taken on record subject to just exceptions.

It is further submitted that respondent No.2 shall not seek an adjournment in any of the proceedings which are pending between the parties. He undertakes that no adjournment whatsoever shall be sought by him or his counsel in CRM-M-2636-2016, which is fixed for 08.08.2018. It is further undertaken that respondent No. 2 shall not raise any objection whatsoever to any of the proceedings pending between the parties on account of his absence. He would not raise objection to any evidence being led in this absence though in presence of his counsel. Respondent No.2, it is urged merely wishes to take his wife to United Kingdom for seeking better treatment of his wife who is an illiterate lady suffering from various problems. It is further submitted that respondent No.2 is receiving pension from the department. There is no question of his fleeing the country. FDR of Rs.5 lakhs stands deposited before the learned trial court on 18.05.2018. It is thus prayed that he should be permitted to accompany his wife to United Kingdom till 12.08.2018.

The petitioner, duly identified by her counsel, is present in Court. She states that in view of the specific undertaking of respondent No.2 in not stalling any of the pending proceedings between the parties, she would not have any objection in case respondent No. 2 is permitted to go to United Kingdom for

the purpose of the treatment of his wife till 12.08.2018.

In the facts and circumstances of the case and the stand of the petitioner, respondent No.2 is permitted to travel to United Kingdom alongwith his ailing wife till 12.08.2018 in terms of order dated 15.05.2018. It is however directed that in case respondent No. 2 does not return till 12.08.2018, the amount of Rs.5 lakhs deposited with the learned trial Court on 18.05.2018 in terms of order dated 15.05.2018 shall be released to the petitioner. The said amount shall not count towards any maintenance or any other claim which she may have towards her husband and respondent No.2.

Petition is accordingly disposed of.

June 01, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No