

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 30730 of 2018 (O&M)

Date of decision : 6.8.2018

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Sachin Rohilla

.....Petitioner

vs.

Bharti

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sandeep Kotla, Advocate for the petitioner

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H. S. Madaan, J.

By way of filing the present petition under Section 482 Cr.P.C., petitioner Sachin Rohilla, is seeking quashing of petition under Section 125 Cr.P.C. titled as 'Bharti vs. Sachin Rohilla' pending before District and Sessions Judge, Family Court, Sonapat.

Inter alia it is contended that though marriage between the petitioner Sachin Rohilla and the respondent Bharti was solemnized on 11.11.2016, in a simple manner, but thereafter Bharti refused to cohabit with the petitioner, as such the marriage was not consummated. On 15.11.2016 she left for PGIMS, Rohtak for appearing in examination just after three days of marriage and thereafter despite best efforts by the petitioner, has refused to return

to the matrimonial home and rather had come out that she is involved in a love affair with one boy, namely, Sombir s/o Krishan Lal r/o village Kalanaur, District Rohtak and as disclosed by her she is having physical relations with him. The respondent stated so in a telephonic conversation with the petitioner. A Panchayat of biradari was convened on 20.11.2016, where parents of the respondent had apologized for conduct of their daughter and all the dowry articles/istridhan items given at the time of marriage were exchanged. A written agreement was executed, signed by the parties and other persons present there. Later on a talaknama was also executed on 14.12.2016, vide which marriage between the parties stood dissolved. However, the respondent has initiated litigation against the petitioner and filed a petition under Section 125 Cr.P.C., besides moving an application under Section 12 of the Domestic Violence Act and according to the petitioner such petition is not maintainable and should be quashed.

I have heard learned counsel for the petitioner, besides going through the record.

Section 482 Cr.P.C. deals with inherent powers of the High Court and providing that nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. In this case, the petitioner has rushed to the High Court filing this petition instead of appearing before learned District Judge, Family Court, Sonapat, filing written reply and giving

his version and then appropriate order in the matter could be passed. Just for the reason that the said procedure is stated to be time consuming, does not provide any justification for coming to this Court seeking quashing of petition under Section 125 Cr.P.C. whatever allegations have been levelled against the petitioner are required to be proved by leading evidence. The petitioner cannot possibly shift the forum for adjudication of matter to this Court, asking it to act as a trial Court and then to give findings with regard to the merits of the allegations and maintainability of the petition. Section 482 Cr.P.C. is certainly not a panacea of every ill.

The petition is found to be without any merit.

Accordingly, the same is dismissed.

6.8.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No