

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-39271-2019 (O&M)
Date of Decision:-27.11.2019

Ram Avtar and others ... Petitioners

Versus

State of Haryana ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gaurav Singla, Advocate for the petitioners.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court seeking quashing of FIR No.327 dated 4.1.2019 registered at Police Station City Palwal, District Palwal under Sections 120-B, 313, 323, 498-A and 506 of Indian Penal Code and all consequential proceedings emanating therefrom.
2. The aforesaid FIR was lodged at the instance of Rajrani, wherein it has been alleged that she was earlier married to Mukesh Kumar Kavar on 22.11.2004 but her marriage was dissolved by decree of divorce passed by the Court of Sh. Anubhav Sharma, Additional Sessions Judge, Palwal on 15.11.2018. It is alleged that after dissolution of the aforesaid marriage she performed second marriage on 22.11.2018 with Ram Avtar (petitioner No.1). It is alleged that although sufficient dowry had been given at the time of her second marriage but Ram Avtar and other members of his family were not happy with the

same and used to demand more dowry and used to harass her in order to press upon their demand of dowry.

3. The learned counsel for the petitioners has submitted that a false FIR has been lodged against the petitioners and infact no marriage was ever solemnized between the complainant and petitioner No.1 Ram Avtar as would be evident from the fact that as on 24.1.2019, when the complainant was carrying pregnancy and had got herself examined from a hospital, she disclosed the name of her husband as 'Mukesh'. The learned counsel has drawn the attention of this Court to the medical report dated 24.1.2019 (Annexure P-2), wherein the name of the husband of the complainant is recorded as 'Mukesh' and the LMP (last menstrual period) has been recorded as 2.12.2018 and it is recorded that she is carrying pregnancy.
4. The aforesaid document i.e. medical report dated 24.1.2019 (Annexure P-2) is certainly an important piece of evidence, which could go to root of the case. However, the aforesaid document is required to be formally proved before the same can be relied upon.
5. The present petition, as such, is disposed of with liberty to the petitioners to raise all the points raised herein before the Trial Court at appropriate stage including the plea as noticed above. The Trial Court shall grant proper opportunity to the petitioners to adduce the aforesaid evidence and in case the same is brought on record, the same shall be looked into while deciding the case.

27.11.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No