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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3690/2018 & Crl. M.A. Nos.48819-20/2018

BALJEET SINGH HANSRA & ANR.

..... Petitioners

Through: Mr. Atulay Nehra, Advocate.

Versus

STATE & ORS.

..... Respondents

Through: Ms. Nandita Rao, ASC, GNCTD.
Ms. Shanta Devi Raman with
Mr.Nitesh Aman, Advcoates for
complainant.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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07.01.2019

The respondent has been married to the son of the petitioners since 2015. It is the petitioner's case that the complaint of R-2 has been converted into an FIR only as retaliation to the divorce petition filed by their son against respondent no. 2. The petitioners submit that the complainant has not been living with them since April 2017.

Ms. Nandita Rao, the learned ASC submits that from the petitioners' own admission the complainant did reside at the petitioner's address, till she moved out of the said matrimonial home. She refers to the List of Dates and Events to the writ petition, which reads as under:

'From 18.10.2015 to June 2017 the petitioners and the respondent No.2 along with petitioner's son stayed together in Greater Noida and Sarita Vihar, Delhi, before finally moving out of the household of the respondent No.2 and their son in June 2017.'

However, the learned counsel for the petitioners states that respondent No.2 moved out from the home of the petitioners in April, 2017.

Be that as it may these aspects would need to be looked into in the investigation of the case.

On the last date of hearing, it was recorded as under:-

“The petitioners seek quashing of FIR No. 0259/2018, registered under sections 498-A/406/34 of the Indian Penal Code, 1860, at Police Station Badarpur, South East Delhi on the complaint of their estranged daughter-in-law, who has levelled serious allegations against them.

The case is under investigation. Neither the petitioners nor their son are stated to have joined investigations. The petitioners' contention that this FIR is in retaliation to the divorce petition, filed by the complainant's husband, is yet to be examined.

The learned counsel for the petitioner seeks to obtain instructions.

List on 07.01.2019.”

The learned counsel for the petitioner submits that the case be adjourned and be heard alongwith the petition which is to be shortly filed by the petitioners' son. The learned counsel for the State submits that for many months, despite service of notice upon the petitioners, they have not intimated the police of the whereabouts of their son, but suddenly now the petitioners are aware of his whereabouts and/or his activities and this is evident from the fact that the same counsel has been engaged to file the sons' petition for quashing of the present FIR against all of them.

The learned ASC further contends that it defies commonsense that a woman would come to her matrimonial home without any personal

belongings or her wedding trousseau. She was allegedly coerced to move out of her matrimonial home and was put into a rented accommodation where the husband did not return till the late hours of the evening; this according to complainant was a ploy to expel her from the matrimonial home. It is further contended that since July 2017, there has been no support for her and she complains of her belongings having been forcibly kept by the petitioners.

In the aforesaid circumstances, the Court is of the view that the matter requires to be further investigated. The petition is pre-mature. Accordingly, it is dismissed.

NAJMI WAZIRI, J.

JANUARY 07, 2019

Pallavi