

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

CRM-M No.34552 of 2020 (O&M)
DATE OF DECISION: 30.10.2020

Hakam

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Anjum Ahmed, Advocate for the petitioner

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ALKA SARIN, J.: (Oral)

Heard through video conferencing.

The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0329 dated 02.06.2018 under Sections 209, 211, 417, 465, 467, 511, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Nuh, District Nuh (Haryana).

The facts relevant to the present case are that the petitioner herein along with one Jamsida had approached this Court by way of CRM-M No.10677 of 2015 for protection of their life and liberty. On 27.05.2015, the said Jamsida appeared before this Court and made a statement that she had never entered into any wedlock/Nikah with Hakam Khan, *i.e.*, the petitioner herein and in fact after the death of her husband Nasru she was induced by the petitioner herein on the ground that he would facilitate payment of compensation on account of death of her husband and for that her thumb-impressions were obtained on various documents and being an illiterate woman she could not understand the purpose of the writing. It was further noticed in the order dated 27.05.2015 that Jamsida had stated that she was brought to Chandigarh by deceit by the petitioner herein on the

pretext of completing the formalities to enable her to get compensation on the death of her husband. Thereafter, this Court on 27.05.2015 passed the following order:-

“From the statement of petitioner No.1, its stand reflected that there has been misrepresentation to this Court and by concealment of material facts, orders from this Court have been procured apparently for a motivated purpose impels this Court to issue directions to Superintendent of Police, Mewat from where this dubious plan originated to register a case for such a fraudulent act as well as for fabrication of records and to ensure action against all persons associated with this marriage along with preparation of necessary documents in support of it, including filing of petition and to probe and also to explore angle of human trafficking as well. The Superintendent of Police is directed to submit his compliance report to this Court within 15 days.”

Thereafter, the said Jamsida also filed a complaint against the petitioner which resulted in registration of FIR No.0378 dated 03.06.2015 under Section 376 IPC at Police Station Nuh, District Nuh. After the registration of the said FIR, petitioner herein was convicted. The judgment of conviction and the order of sentence have been challenged in this Court in CRA-S-3221-SB of 2017. The sentence of the petitioner stands suspended by this Court vide order dated 12.01.2018.

In CRM-M-10677 of 2015, an IOIN being IOIN-CRM-M-10677 of 2015 came to be filed which was listed on 23.05.2018 wherein

this Court issued notice for compliance of the order dated 27.05.2015 whereby an amount of Rs.50,000/- was ordered to be deposited by the petitioner herein. The said IOIN came to be disposed off on 16.01.2019 and the following order was passed:-

“As per report from the Registry, in compliance with the last order dated 14.01.2019, a sum of Rs.21,000/- has already been deposited.

The main petition (CRM-10677-2015) was decided vide order dated 27.05.2015 and only costs of Rs.50,000/- was to be deposited which has since been deposited. No further action is required in the matter.

Reference disposed of.”

Learned counsel for the petitioner has contended that since the order 16.01.2019 passed in IOIN-CRM-M-10677 of 2015 reads that no further action is required in the matter it would deem to mean that no action is required to be taken in the FIR itself.

Notice of motion.

On the asking of the Court, Ms. Dimple Jain, Assistant Advocate General, Haryana has joined the session through video conferencing and accepts notice on behalf of both the respondents.

Learned counsel for the State has contended that the investigation is going on in the present case and, hence, the present petition itself is not maintainable at this stage.

In the present case, as is apparent from a perusal of the facts narrated above, the FIR came to be lodged on the basis of the order passed by this Court in CRM-M-10677 of 2015 dated 27.05.2015. Thereafter, an

IOIN was filed limited to the extent that the exemplary cost of Rs.50,000/- as imposed vide order dated 27.05.2015 had not been deposited by the petitioner herein. The order dated 16.01.2019 passed in the said IOIN pertains only to the payment of Rs.50,000/- as costs. The order has to be read only in the context of the IOIN which was placed before the Court for non-compliance of order regarding payment of costs of Rs.50,000/- and it was only in that regard that the order stated that no further action is required in the matter and the IOIN stood disposed off. The argument of the learned counsel for the petitioner that in view of the order dated 16.01.2019 no further action was required in the FIR itself is wholly misplaced and is a complete misreading of the order dated 16.01.2019.

In view of the above, the present petition is hence dismissed.

(ALKA SARIN)
JUDGE

30.10.2020
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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO