

CRM-M-9015-2021

Date of Decision: 25.02.2021

Rakesh Singh

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. M.S. Kathuria, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks quashing of FIR no. 345 dated 04.05.2018, registered at Police Station Gurgaon Sadar, District Gurugram, for the alleged commission of offences punishable under the provisions of Sections 323/452/506 of the IPC, as also all other subsequent proceedings arising therefrom.

Learned counsel for the petitioner has submitted that actually the 'Womens' Commission' went to the residence of the petitioners' wife, i.e. the complainant, on the petitioner asking it to do so, with her and his daughter both having been earlier taken by him to the Apollo hospital for psychiatric treatment as they had put themselves in isolation after the unfortunate death of the petitioners' elder son. However thereafter they refused to take such treatment, and eventually this FIR has been registered against him, which as per learned counsel has no basis in any actual facts.

Notice of motion.

On the asking of the court, Mr. Surinder Singh, A.A.G.,

Haryana, accepts notice on behalf of the respondent-State.

He submits that the report under Section 173 (2) of the Cr.P.C. already having been submitted, arraigning the petitioner as an accused, this court would not interfere at this stage to quash the FIR.

Though learned counsel for the petitioner has vehemently argued that the petitioner even tried to get his children and his wife treated for psychiatric treatment etc. and tried to look after them in every manner but they refused to come out of isolation and consequent depression, however even if those contentions are to be accepted by this court on the basis of the documents that he wishes to rely upon, this court cannot dispel the allegations of the complainant to the effect that the petitioner was beating her up or threatening her, or that he had entered her living premises against her consent, (with him having left her company and having taken elsewhere otherwise).

It is to be noticed that Mr. Kathuria has also submitted that in fact the premises where the complainant and her children are residing, belongs to the petitioner.

Even if that is so, if he is living separately from her, whether or not an offence punishable under the provisions of Section 452 of the IPC would be made out cannot be determined in these proceedings, and to repeat, even if he tried his best to get his wife and children treated, which would not be surprising in any manner, in proceedings under Section 482 of the Cr.P.C. this court would not be inclined to simply dismiss the allegations made by the complainant, which naturally would have to be considered by the competent court at the appropriate stage, either at the time of framing of the charge itself, or if a charge is framed, thereafter upon evidence led by both parties.

Consequently, without making any comment whatsoever on the correctness of the allegations made against the petitioner, or otherwise, I find myself unable to interfere by exercising jurisdiction under Section 482 of the Cr.P.C to quash the FIR at this stage.

Hence, this petition is dismissed.

February 25, 2021	(AMOL RATTAN SINGH)
nitin	JUDGE
Whether speaking/reasoned	Yes
Whether Reportable	No.