

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.16246 of 2021 (O&M)

Date of Decision:19.04.2021

(HEARD THROUGH VC)

Lokesh Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Radhe Shyam Sharma, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

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JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for quashing of the FIR No.205 dated 08.08.2019 under Sections 323, 34, 406, 498-A IPC registered at Police Station Israna, District Panipat and all subsequent proceedings arising therefrom.

Counsel for the petitioner herein *inter alia* contends that the FIR is not maintainable *per se* on the ground that the complainant was already married to one Rohtash, as would be evident from Annexure P-2 issued by the Arya Samaj Mandir Vivah Sanskar Trust on 04.04.2014. He also relies upon the affidavit (Annexure P-3) executed by the complainant wherein she had stated that she intends to marry Mr. Rohtash. It is further submitted that in fact marriage itself is not valid marriage between the petitioner and the complainant and he stands duped. In fact, he has already

filed a petition under Section 11 of the Hindu Marriage Act, which is pending before the Court at Sonapat. Counsel for the petitioner prays for stay of proceedings in the said FIR.

Notice of motion.

Ms. Deepshikha Chauhan, AAG, Haryana, who is present through the medium of video conferencing, accepts notice for the respondent-State and informs the Court that the matter has already been investigated and challan stands presented and in fact, charges are to be framed on 26.04.2021.

In such a situation, this Court is loath to interfere in the said FIR considering the fact that the Courts below are seized of the matter and charges are to be framed, however, while disposing of this petition, liberty is granted to the petitioner to raise all pleas before the Court below at the time of framing of the charges.

The instant petition is disposed of with the aforesaid observations.

April 19, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No