

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

(225)

CRM-M-26589-2021

Date of Decision : November 24, 2021

Parveen Singh

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Kumar Yadav, Advocate, for the petitioner.

Mr. Karan Sharma, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed for quashing of FIR No.52 dated 20.02.2021 registered under Section 346 of the IPC at Police Station Ateli, District Mahendergarh and all other subsequent proceedings arising therefrom, being abuse of process of law.

Learned counsel for the petitioner submits that the ingredients of Section 346 IPC are not made out in the present case as Anu, who is the wife of the petitioner, had left her family home on her own will without there being any coercion and was living with the petitioner as his legally wedded wife. Learned counsel for the petitioner further submits, that being so, the allegations alleged in the FIR on the face of it, are false and the same may kindly be quashed.

On 25.10.2021, the following order was passed by this Court:-

“The present petition has been filed for quashing of FIR No.52 dated 20.02.2021 registered under Section 346 of the IPC at Police Station Ateli, District Mahendergarh.

Learned counsel for the petitioner submits that the allegations against the petitioner are of wrongly confining respondent No.6. Learned counsel for the petitioner further submits that respondent No.6 is the wife of the petitioner and question of wrongly confining her does not arise and both the petitioner and respondent No.6 are living together as of now.

Learned State counsel submits that though, the matter is still under investigation but, the final report could not be prepared as initially respondent No.6 had given statement under Section 164 Cr.P.C that she wants to live with her parents and now after the petitioner filed the petition for habeas corpus, respondent No.6 made a statement on 06.05.2021 before the police, which has been appended by the petitioner as Annexure P/6 with the present petition, that she wants to live with Parveen Singh i.e. petitioner.

In order to find out the actual truth, let statement of respondent No.6 be recorded before the concerned Magistrate on 09.11.2021 and the statement so recorded will be produced before this Court on the next date of hearing so that proper adjudication on the prayer of the petitioner could be undertaken.

Adjourned to 24.11.2021.”

In pursuance to the said order, the statement of Anu, wife of the petitioner, in respect of whom the allegations have been mentioned in the FIR, was recorded on 09.11.2021 according to which, she left her parental house without there being any pressure or coercion of the petitioner and she went with the petitioner with her own will so as to settle in life and she married the petitioner and started living with him. In the statement, she has further stated that she wants to live with the petitioner and does not support the allegations alleged in the FIR.

Learned counsel for the respondents-State concedes that keeping in view the said factual aspect recorded hereinbefore, the ingredients of Section 346 IPC are not made out in the facts and circumstances of the present case especially when Anu is the legally wedded wife of the petitioner and is living with him even as of now.

Keeping in view the above, the prayer of the petitioner for quashing of FIR No.52 dated 20.02.2021 registered under Section 346 of the IPC at Police Station Ateli, District Mahendergarh, is accepted and all other subsequent proceedings arising therefrom are quashed qua the petitioner.

November 24, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No