

CRWP No. 7343 of 2020

Date of Decision: 07.01.2021

Juber

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Randhir Singh Hooda, Advocate,
for the petitioner.

Mr. Gurbir Dhillon, A.A.G., Haryana.

Mr. Abhinav Sood, Advocate,
for respondents no. 3 to 7.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

Pursuant to the order dated 03.11.2020, an additional affidavit of the Superintendent of Police, Palwal, dated 18.11.2020, has been filed, essentially apologizing therein for the “ambiguity of Annexures R-2 to R-4”, but otherwise reiterating that what is contained in the affidavit earlier filed, on the essence of the matter, is correct.

Essentially what is stated, is to the effect that the petitioners' wife, namely Simran, has made a statement before the police and before the Executive Magistrate, to the effect that she does not wish to reside with the petitioner.

Mr. Hooda now very fairly submits that in view of the fact that Section 497 of the IPC has been held to be unconstitutional by the Supreme Court in **Joseph Shine** vs. **Union of India** [Writ Petition (Criminal) no. 194 of 2017], decided on 27.09.2018, and the petitioners' wife having stated that she

no longer wishes to reside with the petitioner, the petitioner may have no further legal arguments to make.

He further submits that with the wife having made a statement before the Executive Magistrate, there would be not point in even asking her to make the same statement before a Judicial Magistrate and the petitioner has nothing further to say in the matter.

That being so, this petition is disposed of as having been rendered infructuous.

January 07, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.