

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

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**CRA-S-1288-2022 (O & M)
Date of Decision:27.10.2022**

KAPIL DHAWAN

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

On 22.07.2022, this Court passed the following order:-

“Instant appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short “SC/ST Act”) challenging order dated 11.07.2022 passed by learned Additional Sessions Judge, Kurukshetra, whereby anticipatory bail of the appellant was dismissed in case FIR No.321 dated 22.06.2022 registered under Sections 376-B, 420 of IPC and Section 3 (2) (v) of the SC/ST Act at Police Station City Thanesar, Kurukshetra.

By making a reference to the judgment and decree dated 07.03.2022, Annexure P-3, counsel for the appellant has contended that the marriage of the petitioner and the complainant ended in a divorce by mutual consent. He submits that thereafter the complainant was permitted to live in the house of the appellant as she did not have any place to stay and had a 2½ year old child to take care of. According to the counsel, when the complainant was asked to vacate the house and look for an alternate accommodation, she lodged an FIR by levelling false allegations. It is his argument that the allegation attracting SC/ST Act are false and in any case, the utterance of offensive words is alleged to have been made within the fourwalls of the house. Still further, he submits that there is no allegation attracting offence under Section 376-B of IPC in the FIR, and the offence has been added on the basis of the supplementary statement of the complainant.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of respondent No.1-State.

Respondent No.2 be served for 07.09.2022.

Process dasti as well.

In the meanwhile, arrest of the petitioner shall remained stayed till the next date.

On the day, respondent No.2 puts in appearance before this Court, the appellant will pay her a sum of Rs.40,000/- towards travelling and litigation expenses.”

Counsel for the appellant submits that the parties have re-married on 25.10.2022. He has placed on record a *xerox* copy of Marriage Certificate issued by a religious institution, which is taken on record as Mark 'A'. In compliance of the above-reproduced order, he has handed over a Demand Draft of Rs.40,000/- bearing No.502073 dated 06.09.2022 drawn on ICICI Bank to the counsel for the complainant and submits that now there is no dispute between the parties, who are living together.

Mr. Gagandeep Rana, Advocate, has put in appearance on behalf of the complainant/respondent No.2 and has filed Vakalatnama in Court, which is taken on record. He has accepted the Demand Draft and confirms the development as stated by counsel for the appellant. He submits that he does not have any objection in case the interim order is made absolute.

In view of the above, present appeal is allowed, impugned order dated 11.07.2022 passed by learned Additional Sessions Judge, Kurukshetra is set aside and order dated 22.07.2022 passed by this Court staying the arrest of the appellant, is made absolute subject to the condition that the appellant will join the investigation as and when required to do so and co-operate with the Investigating Agency.

27.10.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No