

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 211

Criminal Miscellaneous No.A-70 of 2021 (O&M)

Date of Decision: February 03, 2023

Guljar

..... APPELLANT(S)

VERSUS

Ajit and another

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Pramod Kumar Bhardwaj, Advocate
for the appellant .

. . .

Tribhuvan Dahiya, J (Oral)

This is an appeal against the judgment and order of acquittal dated 04.02.2020 passed by Additional Sessions Judge, Panipat, in Misc. Case No.64 of 2019, arising out of FIR No.153 dated 06.07.2016, under Section 306 IPC, Police Station Israna.

2. The case set up by the prosecution was that marriage between the deceased and the respondent-accused was solemnized on 21.02.2010. Both the parties filed a petition for divorce by mutual consent on 21.09.2013, which was granted and the marriage was dissolved on 24.03.2014. Subsequently, on 07.04.2014, the deceased filed an application for setting aside the decree of divorce by mutual consent. It was during pendency of the said application, a false statement was given by the accused's father Bal Kishan on 04.07.2016, that his son/respondent-accused had solemnized second marriage two days ago. Whereas, the marriage was to be solemnized on 06.07.2016. The complainant's sister went to the

respondent-accused to prevent him from solemnising the second marriage. There she was administered some poisonous substance leading to her death. It has been alleged, had this statement not been made by the accused's father, the deceased would not have committed suicide.

3. Learned counsel for the appellant has argued that the only reason for the deceased/complainant's sister to commit suicide was second marriage of the accused. Though the decree of divorce by mutual consent had been passed, the application for setting aside the same was pending, and that was enough to show the whole issue remained open. The accused could not have solemnized second marriage during pendency of the said application.

4. It is not in dispute that the decree of divorce dated 24.03.2014 was neither stayed nor set aside by any Court of law. Merely, because an application for setting aside the same was filed by the deceased, that itself was not a ground to conclude or contend that marriage between the parties had not been dissolved. In fact, once the marriage stood dissolved by the decree of divorce by mutual consent, the respondent-accused was at liberty to solemnise second marriage. In case he has done so, no one, including the deceased, could have any grouse against it, nor can it afford a ground for taking the extreme step of committing suicide, that too two years after the grant of divorce. Besides, it has also come on record that the deceased willingly recorded her first as well as second motion statements before the District Judge, which granted the decree of divorce by mutual consent. She was, therefore, a consenting party to dissolution of her marriage by way of mutual divorce. In the light of these facts the trial Court rightly acquitted the respondent of the charges levelled.

5. Therefore, there is no ground to interfere with the impugned

judgment of acquittal.

6. Appeal stands dismissed.
7. Pending miscellaneous application(s), if any, stand disposed of, as having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

February 03, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No