

CRM-M-33361-2020

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2023:PHHC:104241

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-33361-2020

Date of Decision: 10.08.2023

Mahender

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for conducting fair and impartial investigation in case bearing FIR No. 0067 dated 06.04.2020 (Annexure P-1) registered under Sections 304-B/34 and 498-A IPC at Police Station Jhojhu Kalan, District Charkhi Dadri or in the alternate to transfer/hand over the investigation of the said FIR, to some independent agency or by constituting some Special Investigating Team.

At the outset, on instructions, learned counsel for the State submits that the instant petition has been rendered infructuous, as after completion of investigation, challan has already been presented before the trial Court and charges have also been framed.

Learned counsel for State has also filed status report dated 07.08.2023, by way of affidavit of Sh. Desh Raj, HPS, Deputy

Superintendent of Police Badhra, on behalf of respondent-State, in Court today. The same is taken on record. The relevant paragraph Nos. 3 to 6 of the status report are reproduced as under:

“3. That verification of facts of the case was conducted by Insp. Dalbir Singh SHO PS Jhojhu Kalan and during investigation, call detail record of deceased mobile No. 8814042119, 8607753312, 8683090394 of deceased and mobile No. 8168345117 of accused husband Vikas was obtained and analyzed. From call detail records of deceased it was found that the deceased was in constant touch with one Anil son of Pawan resident of village Paju district Bhiwani and was having deep love affair with him since last 5 years. The deceased and Anil want to solemnize marriage, however, both being belonging to same gotra, it was not possible. During investigation, it has also been found that the family of deceased earlier also tried to marry deceased at 02/03 places but the deceased and her friend Anil always avoided the marriage of deceased with other person. Person in whose family engagement of deceased was earlier fixed or contacted for engagement were also joined in investigation and their statements were recorded.

*4. That during the course of further investigation, verification of facts of the case was conducted by Bali Singh HPS DSP-II, Dadri and Anil son of Pawan resident of Paju district Bhiwani was joined in the investigation and his statement was recorded by the learned Court under Section 164 Cr.P.C. Anil has stated in his statement that deceased was having no problem with her in-laws but due to love affair between them, she was not happy with the marriage. When the deceased last visited her parental house on 20.04.2020, he had met her during night and also provided her new sim card. Before committing suicide, the deceased had called him from the new mobile number and her husband Vikas came to know about this and threatened her for her behaviour. Due to this, deceased committed suicide by hanging herself. True translated copy of statement of Anil recorded under Section 164 Cr.P.C. is annexed herewith as **Annexure R-1**.*

5. That during investigation all the named accused in FIR were joined in investigation and were deeply interrogated. However, no evidence came on file to indicate any demand of dowry made by them. During investigation, it has been found that the deceased was having affair with one Anil since last 5 years who was in the same gotra and in family relations. The deceased and Anil was to solemnize marriage but family of both were strictly against the marriage. The deceased was not happy with her marriage with Vikas and was in constant touch with Anil on mobile,

after marriage also. This fact came to knowledge of her husband Vikas, who scolded her and threatened the deceased to refrain her from such things due to which deceased committed suicide by hanging herself. No demand of dowry or cruelty upon her by any other person was found and hence, section 304-B, 498-A, 34 IPC were deleted in the case and section 306 IPC was added in the case.

6. That after completion of investigation, challan against accused Vikas under Section 306 IPC has been submitted in the learned Court on 07.07.2020. Charges has been framed against the accused vide order dated 27.10.2022 and the case is now fixed for 10.08.2023 for prosecution evidence. There are total 17 prosecution witnesses in the case and only 01 has been examined so far.

Perusal of the order sheets shows that the petitioner had gone un-represented for the last two dates i.e. 08.04.2022 and 18.05.2023. Even today for the third time the petitioner has gone un-represented.

In view of the above and the averments made in paragraph Nos. 3 to 6 of the status report dated 07.08.2023 reproduced above, it is clear that no further direction is warranted in the present matter. Accordingly, the instant petition is disposed of, as having been rendered infructuous.

10.08.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No