

214-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51523-2023 (O&M)
Date of decision : 15.12.2023

Dropadi Arun Jha

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. J.S. Gill, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana for respondent No.1.

Mr. Ritesh Tomar, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.121 dated 23.07.2023 under Sections 498-A, 323, 313, 406, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Women NIT, Faridabad, District Faridabad.

2. On 11.10.2023 the following order was passed :

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.121 dated 23.07.2023 under Sections 498-A, 323, 313, 406, 506 and 34 of the Indian Penal Code, 1860 registered at

Police Station Women NIT, Faridabad, District Faridabad.

Learned State counsel on instructions from ASI Sunita at the outset has pointed out that Section 313 IPC since stands deleted.

Learned counsel for the petitioner would contend that the petitioner is the mother-in-law of the complainant. It is further the contention that the petitioner is willing to settle the matter as also to return the istridhan articles lying with her. Learned counsel for the petitioner has further contended that the son of the petitioner left the matrimonial home on 25.12.2020 and thereafter a divorce petition was filed by him on 03.01.2023. When the notice of the divorce petition was received by the complainant, the present FIR was lodged on 23.07.2023. Learned counsel for the petitioner would further contend that the complainant underwent abortion on 22.12.2020 and the reason given for the same is early pregnancy i.e. cystic hygroma. It is further the contention that the consent form has been signed by the complainant as well as by the husband i.e. son of the petitioner herein. Learned counsel for the petitioner further states that the complainant has not been arrayed as a party in the present petition and prays that she may be impleaded as respondent No.2.

On the oral request of learned counsel for the petitioner, the complainant is impleaded as respondent No.2 in the present petition. Registry to make necessary correction in the Memo of Parties.

Notice of motion.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana, who is

present in Court, accepts notice on behalf of the respondent-State while Mr. Ritesh Tomar, Advocate puts in appearance on behalf of the complainant-respondent No.2.

Learned counsel appearing on behalf of the complainant-respondent No.2 prays that the matter may be referred to Mediation and Conciliation Centre of this Court for exploring the possibility of a compromise between the parties.

Ordered accordingly.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 19.10.2023 at 10.00 am.

Put up on 17.11.2023 along with the report of the Mediator.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State on instructions from ASI Sunita has stated that the petitioner has since joined investigation and has fully

cooperated and that she is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 11.10.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

15.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO