

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CRM-M-60251-2022 (O&M)
Decided on : 25.07.2023

Charan Singh

. . . Petitioner

Versus

State of Haryana and others

. . . Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

PRESENT: Mr. Ram Tilak Redhu, Advocate
for the petitioner

Mr. Dhruv Sihag, AAG, Haryana

AMAN CHAUDHARY, J.

CRM-29510-2023

For the reasons mentioned in the application, same is allowed subject to
all just exception and Annexure A-1 is taken on record.

CRM-M-60251-2022

1. The present petition has been filed under Section 482 Cr.P.C. for
issuing direction to the respondent Nos. 2 and 3 to take action in FIR No. 100 dated
17.06.2020 registered under Section 346 of the Indian Penal Code, 1860 at Police
Station Bhattu Kalan, District Fatehabad.
2. Learned State counsel refers to the reply filed by way of affidavit of
Deputy Superintendent of Police, Fatehabad dated 10.02.2023, the relevant paras of
preliminary submission of it read thus:

“4. That during further course of the investigation, on
18.08.2020, Poonam Devi (since deceased) wife of

complainant/petitioner was recovered from the Bus Stand, Siwani District Bhiwani and statement of Poonam Devi (since deceased) was made in front of legal aid advocate in which she stated that "her marriage was took place about 4 four years ago with petitioner Charan Singh son of Maniram Godara resident Gadali. She further stated that she had gone to Bhattu from home on 16.06.2020 at around 3.00 am in the morning without telling anyone and from there she went to Hisar then she and her son Deepak went from Hisar to Delhi and where she was living in Delhi with Poonam wife of Anand Kumar Ram resident of Nihal Vihar, Delhi and mobile number of said Poonam is 9318426670. She further stated that after that she went to her maternal home in Jharkhand. She further stated that from there she and her sister Poonam were coming for some work and on the way, they were stopped by Siwani Police Station and we came to know that her husband Charan Singh/petitioner has filed a case and thereafter, Bhattu police brought them from there and have recovered us and her son. She further stated that she do not want to go with her husband/petitioner and she and her son Deepak want to go with her sister Poonam resident of Jharkhand". True translation of the statement of Poonam Devi (since deceased) wife of complainant/ petitioner is annexed herewith as Annexure R-1 for the kind perusal of the Hon'ble High Court.

xx xx xx

6. That during investigation, cancellation report was prepared on 10.09.2020 in the present case due to non-confirmation of the allegations leveled in this case."

The relevant paras of reply on merits read thus:-

"8. That in reply to para 8 of the petition, it is respectfully submitted that the present FIR No. 100 dated 17.06.2020 registered under section 346 of IPC, Police Station Bhattu Kalan, District Fatehabad (Haryana) was cancelled vide cancellation report dated 10.09.2020 due to confirmation of the allegations leveled in this case. However, the complaint bearing No. 593-H.M. dated 23.09.2022 moved by petitioner had been duly enquired by Deputy Superintendent of Police, Fatehabad and petitioner was advised to got issued warrants under section 97 of Cr.P.C. from the office of Sub Divisional Magistrate, Fatehabad. Moreover, the place where the son of the petitioner is alleged to be resided with respondent No. 4 Ravi is not within the jurisdiction of Fatehabad police and the petitioner did not make any complaint against respondent No. 4 in the Police Station at Delhi having jurisdiction. The petitioner has not arrayed officer/SHO of PS Burari North Delhi where respondent No. 4 got registered the DDR vide GD no. 105A dated 06.08.2022.

9. That in reply to para 9 of the petition, it is submitted that the petitioner has already been advised to get warrant u/s 97 of Cr.P.C. from the Sub Divisional Magistrate to get back his son. Moreover, the place where his son resides with respondent No. 4 is within the jurisdiction of Delhi Police.”

4. In view of the above, no further orders are required to be passed. Present petition is disposed of with liberty to avail of alternate remedy, if any, available to him in accordance with law.

(AMAN CHAUDHARY)
JUDGE

25.07.2023
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No