

133

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

CRM-M-4304-2024

Date of decision: 08.07.2024

Ramdiya and Another

...Petitioners

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Parvinder Moar, Advocate for the petitioners.

Mr. Neeraj Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking quashing of FIR No.174 dated 12.07.2021 (Annexure P-1), under Sections 323, 506/34 IPC registered at Police Station Line Par, Bahadurgarh, District Jhajjar at instance of respondent No.2.

2. The counsel for the petitioner submits that petitioner never performed marriage with respondent No.2 but they started living together in July, 2020 and lived together for a certain period and thereafter, started living separately. It is further submitted that no such occurrence as has been alleged by respondent No.2 had ever taken place. It is further submitted that the trial Court is making its best efforts to procure the presence of respondent No.2 to record her statement, as is evident from the status report submitted by the trial Court. However, respondent No.2 is intentionally avoiding her presence before the trial Court to delay the proceedings and to unnecessarily harass the petitioner. That in the given circumstances, the FIR in question deserves to be quashed.

3. The present petition is opposed by the State counsel who submits that trial is going on and the allegations made in the FIR will be

CRM-M-4304-2024

[2]

established during trial and that efforts are being made to procure the presence of respondent No.2 before the trial Court, in order to record her testimony.

4. I have considered the submissions made by counsel for the parties.

5. On completion of investigation, police presented the challan against the petitioner and after framing of charges, now the trial is fixed for prosecution evidence. From the perusal of the status report dated 22.05.2024 submitted by the trial Court, it appears that respondent No.2 is presently residing in Bihar and efforts are being made by the trial Court to procure her presence as a prosecution witness. The allegations of assault made by respondent No.2 in the FIR are subject matter of trial.

6. In light of the above, no ground is made out to quash the FIR (Annexure P-1) against the present petitioner. However, in the given circumstances, as it appears that respondent No.2 is avoiding her presence before the trial Court, the present petition is hereby disposed of with direction to the trial Court to decide the trial expeditiously, preferably within next 6 months. The trial Court is at liberty to take coercive steps to secure the presence of respondent No.2 and other un-examined prosecution witnesses.

08.07.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-

Whether reportable:-

Yes/No

Yes/No