

113

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33589-2024 (O&M)
Date of decision: 17.07.2024

Sanjeet

... Petitioner

Vs.

State of Haryana and another

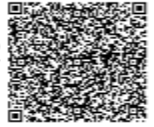
... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Thind, Advocate for
Mr. Mohan Singla, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 Cr.P.C. seeking issuance of necessary directions to learned trial Court for speedy disposal of case FIR No.114 dated 15.07.2021 under Sections 323, 406, 498-A, 506 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Women Police Station Karnal, in a time bound manner.
2. Learned counsel for the petitioner, *inter alia*, contends that marriage of the petitioner was solemnized with respondent No.2 on 13.12.2018 according to Hindu rites and rituals and out of this wedlock, a male child namely Jai Ditya was born on 28.12.2019. Respondent No.2 is a quarrelsome

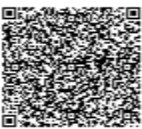


and greedy lady and is non-cooperative and she levelled allegations against the petitioner regarding his extramarital relations with some other lady. Respondent No.2-complainant gave threats to the petitioner to implicate him and his family members in some false case and she moved a complaint dated 07.11.2019 before Delhi Police against all family members of the petitioner and on finding the said complaint as false and frivolous, it was decided to dismiss/reject the same and in January, 2021, respondent No.2-complainant withdrew the complaint dated 07.11.2019 and undertook to reside with the petitioner and it was closed vide order dated 05.03.2021. However, respondent No.2 did not come back to reside with the petitioner. On 03.04.2021, respondent No.2-complainant along with her family members and some other persons forcibly entered house of the petitioner and gave merciless beatings to the petitioner and his family members, resulting into multiple injuries to his parents. They also pressurized to transfer ownership of house of the petitioner in favour of the complainant. Thereafter, on making a phone call to the police by sister of the petitioner, they, while giving threats, ran away. Thereafter, father of the petitioner disowned the petitioner and respondent No.2 from his property and filed a civil suit for permanent injunction restraining respondent No.2 from dispossessing him from his house and prohibiting her to enter in the said house, in which learned Civil Court, Dera Bassi, vide order dated 23.04.2021 (Annexure P-4), granted interim injunction restraining respondent No.2 to interfere in the peaceful possession. Feeling aggrieved, the petitioner



filed a divorce petition under Section 13 of the Hindu Marriage Act, 1955 at Mohali, which was transferred to Karnal and the same is now pending at Karnal, in which on 25.05.2021, notice was issued and as a counter-blast to the same, respondent No.2 got registered the FIR (*supra*) against the petitioner and his family members, in which challan had been presented on 24.10.2021, but till date, even a single witness has not been examined. The petitioner filed CRM-M-902-2022 seeking quashing of the FIR (*supra*), which was dismissed as withdrawn on 13.12.2023, however, a direction was issued to learned trial Court to expedite the trial of FIR (*supra*). Thereafter, learned trial Court issued non-bailable warrants against respondent No.2 and her mother number of times, however, they failed to appear and she is intentionally delaying conclusion of the trial. The petitioner is facing great hardship and respondent No.2 is enjoying the hefty amount of monthly maintenance from the petitioner.

3. Learned counsel for the petitioner further contends that mainly, the petitioner is aggrieved by the delay in conclusion of the trial on account of non-appearance of the prosecution witnesses. In spite of issuing of non-bailable warrants against respondent No.2-complainant and her mother, they are not coming forward to depose before learned trial Court. FIR (*supra*) was registered on 15.07.2021 and challan was presented on 24.10.2021 and in spite of passing of almost 03 years, not even a single prosecution witness has been examined till date and in order to substantiate his claim, he relies upon various zimni orders (Annexure P-8) passed by learned trial Court. The delay in



conclusion of the trial cannot be attributed to the petitioner and it violates his fundamental right as enshrined under Article 21 of the Constitution of India and prays that learned trial Court be directed to conclude the trial expeditiously.

4. Keeping in view the prayer made by the petitioner and also taking into consideration the fact that in spite of passing of almost 03 years, not even a single prosecution witness has been examined, learned trial Court is directed to conclude the trial of FIR (*supra*) expeditiously preferably within a period of six months from today.

5. Present petition is disposed of accordingly.

[HARPREET SINGH BRAR]
JUDGE

17.07.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No