

CRM-M-31073-2024

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2024:PHHC:083041



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

109

CRM-M-31073-2024

Date of Decision: 03.07.2024

Dinesh Kumar

.... Petitioner

Versus

State of Punjab

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. B.D. Sharma, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

By way of filing the present petition under Section 482 Cr.P.C., the petitioner has prayed for issuance of a direction to the learned trial Court to conclude the trial, in case FIR No. 110 dated 13.11.2022 (Annexure P-1) registered under Sections 323 and 498-A IPC at Police Station Women, District Jalandhar in a time bound manner which is lingering on since the registration of FIR.

Learned counsel for the petitioner, *inter alia*, submits that petitioner is the husband of the complainant and is facing trial in the aforesaid FIR (Annexure P-1). It is submitted that challan in the present case was presented before the learned trial Court on 03.12.2022 and charges were framed by the learned trial Court vide order dated 27.04.2023 (Annexure P-3). Thereafter, the case was fixed for recording



of prosecution evidence, but till date not even a single witness has been examined. Learned counsel for the petitioner refers to the *zimni* orders passed by the learned trial Court (Annexure P-3, Colly.) to contend that after framing of charges the complainant and her relatives are intentionally and deliberately evading appearance to delay the conclusion of trial, inasmuch as, firstly, the complainant had filed an application seeking permission to appear before the learned trial Court seeking permission to record her statement through Video Conferencing, as she is now residing in New Zealand. The said application was allowed by the learned trial Court vice order dated 06.11.2023 (Annexure P-3, Colly. at pages 46 and 47 of the paper-book). Thereafter, the complainant filed another application dated 11.01.2024 under Section 216 Cr.P.C. for alteration/addition of charge under Section 498-A IPC. It is further submitted that the complainant is adopting delaying tactics to delay the trial, although, she is regularly appearing in the petition filed for grant of maintenance; as well as in a petition (Annexure P-4) filed by her under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage. Thus, it is prayed that a direction be issued to the learned trial Court to expedite the trial arising out of case FIR (Annexure P-1) and conclude the same in a time bound manner.

Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of respondent-State and has not disputed the aforesaid submission of learned counsel for the petitioner.

Having heard learned counsel for the parties, but without



commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case; the instant petition is **disposed of**, with a direction to the learned trial Court to conclude the trial expeditiously and preferably within a period of 01 year from the date of receipt of certified copy of this order.

03.07.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No