



HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-39166-2024 (O&M)

Date of decision:13.08.2024

Ashish Arya and others

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MS.JUSTICE NIDHI GUPTA

Present: Mr. Rahul Chauhan, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

NIDHI GUPTA, J. (Oral)

Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing/setting aside order dated 10.06.2022 (Annexure P-4) vide which protest petition filed by respondent No.2 in case FIR No. 133 dated 30.09.2020 under Sections 323, 354-A, 406, 498A IPC registered at Women Police Station Yamunanagar, Haryana (Annexure P-2) was allowed and the petitioners were summoned vide summoning order dated 10.06.2022 (Annexure P-5), bailable warrants dated 24.05.2024 (Annexure P-12) and all other subsequent proceedings arising out of the same.

Learned counsel for the petitioners, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. The petitioner No.1 is the husband; petitioners No.2 and 3 are the parents-in-law; and petitioner No.4 is the brother-in-law of the complainant/respondent No.2 herein. It is stated that the marriage of petitioner No.1 with complainant/respondent No.2 herein was



solemnized on 20.04.2018. Learned counsel for the petitioners submits that the complainant had concealed her first marriage from the petitioners and, accordingly, petitioner No.1 had filed a petition under Section 11 of the Hindu Marriage Act (Annexure P-1) on 19.09.2019. The parties started living separately since 29.01.2019; whereafter the present FIR came to be filed on 30.09.2020. Even as per the enquiry conducted in the present FIR, the allegations against the petitioners were found to be false as per enquiry report dated 31.12.2020. Accordingly, cancellation report dated 23.01.2021 (Annexure P-3) was submitted in the Court on 08.11.2021. Aggrieved of the said cancellation report, the complainant had filed a Protest Petition, which was allowed by learned Judicial Magistrate 1st Class, Yamunnagar at Jagadhri vide impugned order dated 10.06.2022 (Annexure P-4).

Heard.

Perusal of the record of the case shows that a second cancellation report dated 12.12.2023 was again prepared in the present matter, which has been recommended to be filed by the Additional Superintendent of Police, Yamunanagar on 05.01.2024 (Annexure P-9).

In view of the facts as noticed above, no further directions are required to be issued in the present matter.

The present petition stands disposed of.

Pending application, if any, stands disposed of.

13.08.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No