

CRM-34441-2023 in/and
CRM-M-42411 of 2021;
CRM-M-48251-2021 and
CRM-M-41499 of 2021

2024:PHHC:005246

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-34441-2023 in/and
CRM-M-42411 of 2021
Date of Decision:15.01.2024

PARVEEN YADAV

... PETITIONER

VS

STATE OF HARYANA AND OTHERS

... RESPONDENTS

106/2

CRM-M-48251-2021 and
CRM-M-41499 of 2021

PARVEEN YADAV

... PETITIONER

VS

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Varun Gupta, Advocate,
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana

Mr. Himanshu Chhabra, Advocate,
for the applicant-respondent No.2

SUDEEPTI SHARMA, J. (Oral)

1. Vide these three petitions, the petitioner seeks transfer of the
cases (Annexure P-5 annexed with CRM-M-42411 of 2021, Annexure P-1

annexed with CRM-M-48251 of 2021 and Anneuxre P-2 annexed with CRM-M-41499 of 2021) from Principal Judge, Family Court, Narnaul, District Mahendergarh to Rewari or any nearby District of Haryana.

2. During the pendency of these petitions, applicant-respondent No.2 has filed CRM-34441 of 2023 for vacation of stay order dated 08.10.2021 (Annexure R-1) and has also placed on record report dated 09.09.2022 (Annexure R-2), wherein the complaint dated 08.09.2020 made by the petitioner against father of respondent No.2 i.e. Sh. Dharamraj, Reader posted at District & Sessions Court, Narnaul, levelling allegations of misusing his official position. The complaint has been dealt with and the relevant portion of the same is reproduced as under:-

“Now, vide PUC, the District & Sessions Judge, Narnaul while referring to this Court's letter dated 06.11.2020, has submitted that comments of Sh. Dharamraj posted as Executive Assistant were sought. After perusal of the comments of the official, the District & Sessions Judge, Narnaul has submitted as under:

“After going through the above comments of the official along with documents annexed, the undersigned is of the considered view that the allegations levelled in the complaint are false, frivolous and baseless and the official has also denied the allegations levelled against him. Rather, the complainant is trying to pressurize the official named above not to pursue court Narnaul as well as in the Court of Chief Judicial Magistrate, Narnaul against the complainant and his family members.

In this regard, a maintenance case bearing CIS No. MNT125-91-2020 of 26.08.2020, titled as Saroj & anr.vs.

Parveen Yadav, has been filed by the wife of the complainant, who is admittedly daughter of the official and has been going on since August 2020 but the complainant is not intentionally appearing in that case despite service and that matter is still pending as case titled as Saroj vs. Parveen Kumar & Ors. is also pending against the complainant and now fixed for 04.08.2021 for adjudication.

Then when the daughter of the official was maltreated and thrown out of her matrimonial home after assaulting her, she also lodged a criminal case vide FIR no. 2 dated 03.02.2021, for commission of offences under sections 498A, 323, 406, 506 IPC, Women Police Station, Narnaul lodged by her daughter Ms.Saroj as disclosed by the official. Rather the official alleged that the police has not investigated that case lawfully and only arrested the complainant hurriedly without investigating role of the mother of the complainant and his other relative who allegedly assaulted her and who were also part and parcel of the conspiracy to harass the daughter of the official. Rather, it is also a fact that earlier also a similar case was lodged but the matter was compromised and the complainant promised to keep his wife properly and with dignity but he again indulged in the same acts of omissions and commissions and again assaulted his wife, which leads to the second FIR.

Not even this it is also alleged by the official that local police has also failed to take proper action against the complainant as only complainant was arrested and his family members were declared innocent despite the fact

that they were also present when her daughter was assaulted by all of them. The complainant has already been released on bail and that case is now pending in the court of Learned Chief Judicial Magistrate for further proceedings.

Thus the entire records shows that as submitted by the complainant, a matrimonial dispute is going on between complainant and his wife, who is daughter of Sh.Dharamraj, Executive Assistant in this Court as detailed above. And thus all the allegations of the complainant that he is being harassed are baseless and frivolous as the proceedings are going on in due course of law and nothing illegal has been done by the official, who rather himself is being harassed by such complainant and already fighting litigation to save his daughter and the police has also played a partisan role by not investigating the case lawfully and he has already following the due course of law in this regard. Thus this complaint seems to be a just counter blast to influence the legal proceedings and to pressurize the official not to pursue those proceedings.

Further more, the above named official is posted as Executive Assistant in the Court of undersigned not as Reader and nothing has come to the notice of undersigned that the said official has misused his post in any manner, rather he seems to be a helpless father who could not save the matrimonial life of his daughter and taking due course of law to protect her rights. Thus the complaint in question is false and frivolous and deserve to be filed if approved in the given facts and circumstances”.

3. In view of the above, learned counsel for the petitioner wishes to

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withdraw these three petitions.

- 4. Liberty is granted to the learned counsel for the petitioner to withdraw these three petitions.
- 5. Dismissed as withdrawn.
- 6. Pending applications, if any, also stand disposed of.
- 7. A copy of this order be placed on the files of the other connected cases.

(SUDEEPTI SHARMA)
JUDGE

January 15, 2024
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No