
(2000) 07 P&H CK 0164

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No's. 20689-M of 1997 and 16373 of 2000

Jagdish and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 10-07-2000

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 406, 498A

Citation : (2001) 1 DMC 288 : (2000) 4 RCR(Criminal) 237

Hon'ble Judges : Amar Dutt, J

Bench : Single Bench

Advocate : H.S. Sidhu and S.K. Sharma, for the Appellant; J.P. Dhull, A.A.G. for the Respondent No. 1, for the Respondent

Final Decision : Allowed

Judgement

Amar Dutt, J.—The petitioners had filed the present petition seeking quashing of F.I.R. No. 388 dated 21.8.1997 registered in Police Station Barwala under Sections 498A and 406, I.P.C. at the behest of Sunita Devi-respondent No. 4.

2. According to the petitioners, respondent No. 4 was of quarrelsome and arrogant nature on account of which a petition bearing No. 331 u/s 13-B(2) of the Hindu Marriage Act was filed before the District Judge, Delhi, which was allowed on 23.10.1986. After the divorce, with a view to harass the petitioner, respondent No. 4 had lodged the F.I.R. which being an abuse of the process of law deserves to be quashed.

3. The petition was resisted by respondent No. 4 who asserted that the decree of the Matrimonial Court, Delhi had been obtained by the petitioners through fraud inasmuch as some other woman had impersonated in her place. It was also submitted that respondent No. 4 had applied for setting aside the decree of divorce and therefore, the petition is without merit and should be dismissed.

4. During the pendency of the petition, Crl. Misc. No. 16373 of 2000 has been

filed by the father of respondent No. 4 for bringing on record two circumstances namely, the death of respondent No. 4 and the fact that prior to her death she had withdrawn the application under Order 9 Rule 13, C.P.C, which had been moved by her before the Matrimonial Court at Delhi. It has also been asserted by the petitioners and he is not interested in pursuing the case against the petitioners. In view of this application, the Counsel for the parties have submitted that the petition should be accepted and the F.I.R. may be quashed.

5. In the present case, F.I.R. No. 388 was registered at the behest of respondent No. 4 who at that point of time had a grouse against her husband and other members of in-laws' family. Apparently, with the passage of time, she had reconciled with the idea that it is not possible to pull on with the family of her in-laws and she had withdrawn her objection to the decree of divorce which had been granted to her husband. Respondent No. 4 died on 7.12.1999 and thereafter her father had indicated his desire not to pursue the complaint any further. In this view of the matter, since no one would be coming forth to prosecute the F.I.R. and appear as witness in the trial, it is but appropriate that this unfortunate chapter should be closed.

6. Accordingly, the petition is allowed and the F.I.R. is quashed and the proceedings arising therefrom are directed to be dropped.