



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

**CRM-M-61842-2024
Date of Decision- 13.05.2025**

KRISHAN KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Devansh Khanna, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SANDEEP MOUDGIL, J

1. This petition has been filed under section 528 BNSS, seeking quashing of GD No. 23 dated 15-11-2024 under section 126/169/170 BNSS registered at Police Station HTM, Hisar (Annexure P-2) and order dated 16-11-2024 (Annexure P-3) whereby Kalandera was presented before the Ld. Executive Magistrate, Hisar and the consequential proceedings arising therefrom.

2. Factual matrix of the case have been succinctly put that, one Hemant and Jyoti married each other on 07.12.2023 as per Hindu rites and rituals and the same was a love affair wherein Jyoti was having a daughter from her first marriage and as infromed to Hemant, she was divorced from her first husband but when Hemant asked for the divorce papers, she blatantly refused and the discord went to an extent that both the parties went to the police station wherein the

petitioner, being a respectful citizen was called upon at the police station to resolve the discord.

3. It is contended by the learned counsel for the petitioner that the petitioner is in no way directly related to Hemant, rather he is only an acquaintance. He further contends that he was called at the police station stating that there is no one from the family of Hemant to settle the dispute but when the petitioner reached at the police station, to his utter dismay he saw Hemant's younger sister and two other siblings sitting inside the police station.

4. It is also argued that when the petitioner after trying his level best in settling the marital discord came outside the police station with no fruitful outcome, the family members of Jyoti also came outside and took the keys of the bike of the petitioner wherein he was pushed, beaten and insulted for no fault of his. It is further argued that in order to protect himself, the petitioner went inside the police station and requested Respondent no.2 to protect his life as a result of which, respondent No.2 started misbehaving with the petitioner and indeed locked him inside the lock up while directing him to take off his clothes barring the under garments. It is only thereafter, that respondent no.2 vide GD entry no. 23 dated 15.11.2024 initiated Kalandara proceedings against the petitioner and eight other persons under sections 126/169/170 BNSS registered at Police Station HTM, Hisar.

5. Per contra, learned State counsel while relying upon an affidavit filed by Mr. Prateek Gahlot, ASP, Hisar on behalf of Respondents no.1 and 2 contends that one Harinder, who is married to Hemant's sister Komal is facing marital disputes and stated in his complaint that when Hemant visited Police

Station in connection with Jyoti's case, Hemant Soni, Krishan Kumar (the petitioner), Deepesh and Deepah's mother allegedly threatened to kill him and they all purportedly stated that they would bribe the police to have him assaulted and verbally abuse him outside the police station.

6. It is further contended that the dispute was between Hemant Soni and Jyoti Soni wherein the parties were called upon in the police station for enquiry but both the parties allegedly became agitated, engaged in verbal abuse and attempted to assault each other physically and despite intervention by the police, both the parties failed to comply with the instructions thereby breaching public peace which led to arrest of Krishan Kumar (the petitioner), Ishu, Neeraj and Hemant Soni under sections 126/ 170 of BNSS.

7. Heard counsel for both sides and case file also perused.

8. It is seen from the case file that the complaints primarily pertained to a matrimonial dispute between Hemant Soni and Jyoti Soni wherein both the parties went to the police station when summoned for the enquiry and upon reaching at the police station, both the parties became furious and violent leading to breach of Public peace. As far as role of the petitioner is concerned, it is evident from the submission of the counsel for the petitioner that no involvement of the petitioner has been disclosed in the General Diary dated 15.11.2024 (Annexure P-2) and it is only on the basis of complaint by Harinder alleging that the petitioner along with others, had issued threats to his life, claiming that they would bribe the police to have him assaulted, beat him with shoes and destroy his households while also abusing him outside the police station, but no cogent evidence has been put forth to corroborate his version so far, meaning thereby the petitioner has falsely been roped in the instant petition.



9. In the light of above mentioned facts and circumstances of the case, it is crystal clear that prima facie the petitioner does not appear to have been actively involved in threatening Harinder or breaching the peace outside the police station and it is only on being acquaintance to Hemant Soni, has supported him in reconciling his matrimonial discord at the police station.

10. Consequently, keeping in view the above submissions, the present petition inspires the confidence of this court therefore the same stands allowed.

11. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

13.05.2025
anuradha (v)

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No