

**VERDICTUM.IN**

ITEM NO.21

COURT NO.4

SECTION II-B

**S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (Cr1.) No(s).8880/2023

(Arising out of impugned final judgment and order dated 22-03-2023 in CRMM No.34770/2022 passed by the High Court Of Punjab & Haryana At Chandigarh)

**[REDACTED]** Petitioner(s)

**VERSUS**

**[REDACTED]** Respondent(s)

(IA No.140956/2023 - INTERVENTION/IMPLEADMENT, IA No.262552/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No.140935/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 05-01-2024 This matter was called on for hearing today.

**CORAM :**

**HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE K.V. VISWANATHAN**

**For Petitioner(s) Petitioner-in-person**

**For Respondent(s) Respondent-in-person**

**UPON hearing the counsel the Court made the following  
O R D E R**

1. The Registry is directed to correct the memo of parties. The description of petitioner no.1 be corrected immediately and he be shown as "Specially Abled Child". This order shall be released with necessary correction as directed above.

2. Applications for permission to appear and argue in-person are allowed.

3. The first petitioner is a specially abled child, presently under the care and custody of his mother, namely, petitioner no.2. The first respondent happens to be the father of petitioner no.1. The marriage between petitioner no.2 and respondent no.1 was

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dissolved way back. There has been unfortunately, however, spate of litigation between the parties before the Courts in Chandigarh/Panchkula/Delhi even after dissolution of their marriage. Adding fuel to the fire, respondent no.1 filed a criminal complaint under Sections 209, 420 and 34 of the Indian Penal Code, 1860, impleading both the petitioners as accused. Even before the Court could take cognizance of the said complaint, petitioner no.2 came to know about the filing thereof. Both the petitioners accordingly sought quashing of that said complaint by filing a petition under Section 482 of the Code of Criminal Procedure before the High Court of Punjab and Haryana High Court at Chandigarh. It, however, was brought to the notice of the High Court that the first respondent had meanwhile withdrawn the offending complaint, hence the quashing petition was disposed of on 22.03.2023 as having become infructuous. The second petitioner thereafter moved an application before the High Court to modify the order dated 22.03.2023 as she wanted the High Court to go into the very maintainability and *bona fide* of the complaint against petitioner no.1. The High Court did not entertain the said application in light of the fact that the complaint was no longer surviving and had already been withdrawn.

4. These two orders of the High Court are under challenge before us. Notice was issued and pursuant thereto petitioner no.2 as well as respondent no.1 - both are present and have been heard in-person. The first respondent has filed an affidavit candidly acknowledging that the subject complaint ought not to have been filed by him against their specially abled child. He states that

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the complaint was filed in heat of the moment based upon a wrong legal advise. We find a sense of repentance on his part.

5. Equally, we appreciate the sentiments of petitioner no.2, who seems to be right in submitting that respondent no.1 should have been extremely careful before filing a criminal complaint against their specially abled child.

6. On consideration of the submissions and having regard to the fact that the complaint has since been withdrawn well before any cognizance could be taken and respondent no.1 is apologetic for the ill-advised act of filing such complaint, we deem it appropriate to close these proceedings, in the interest of justice, with a direction to respondent no.1 to pay a cost of Rs.50,000/-. The cost amount shall be deposited by respondent no.1 in the account of petitioner no.1 within a period of four weeks.

7. If there is any litigation pending at the instance of the petitioners before the High Court for the recovery of arrears of maintenance from respondent no.1, we request the High Court to decide such matter expeditiously and preferably within four months.

8. The special leave petition stands disposed of in the above terms.

9. All pending applications, including the application for impleadment, also stand disposed of.

(ARJUN BISHT)  
COURT MASTER (SH)

(PREETHI T.C.)  
COURT MASTER (NSH)