

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPCRL No.1085 of 2026</u></p> <p><u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Gaurav Singh, learned counsel for the petitioner.</p> <p>2. Mr. Manoj Bhatt, learned Brief Holders for the State.</p> <p>3. Present criminal writ petition under Article 226 of the Constitution of India has been filed to issue a direction in the nature of certiorari quashing the F.I.R. lodged by respondent no.3 on 30.05.2026 as F.I.R./Case Crime No.219 of 2026 for the offences punishable under Section 3/4 of Muslim Women (Protection of Rights on Marriage) Act, 2019 and Sections 126(2), 351(2), 352 of B.N.S. Police Station SIDCUL, District Haridwar; a further prayer has been made to issue a direction in the nature of mandamus directing the respondent no.2 not to arrest the petitioner pursuant to the aforesaid F.I.R.</p> <p>4. Learned counsel for the petitioner would submit that the impugned F.I.R. has been lodged by respondent no.3 alleging that on 30.05.2026, while the complainant was present within the court premises, the petitioner intercepted her, abused her in filthy language, extended threats of dire consequences and, during the course of the alleged altercation, pronounced</p>

"triple talaq" to the complainant.

5. Learned counsel would further submit that the marriage between the petitioner and respondent no.3 was solemnized on 23.11.2011 in accordance with Muslim rites and customs; that, however, within a few months of the marriage, respondent no.3 left the matrimonial home and started residing separately; that, thereafter, the mother of respondent no.3 lodged an F.I.R. against the petitioner as well as his parents under Sections 498-A, 323 and 324 I.P.C. and Section 3/4 of the Dowry Prohibition Act; that, upon completion of investigation, a charge-sheet was submitted and the matter proceeded to trial and the learned trial court, after appreciating the evidence on record, acquitted the petitioner and his parents vide judgment and order dated 20.03.2023; that, the criminal appeal preferred against the order of acquittal by the mother of respondent no.3 was also dismissed, thereby affirming the acquittal of the petitioner and his family members.

6. Learned counsel would also submit that during the course of the aforesaid criminal trial, a specific suggestion was put to the prosecution witness, namely the mother of respondent no.3, in her cross-examination, to the effect that the marital relationship between the petitioner and respondent no.3 had

already stood dissolved in the year 2012, as the petitioner had pronounced talaq. It is further submitted that subsequently respondent no.3 instituted proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the petitioner and his mother, the petitioner's father having passed away in the meantime, which is still pending adjudication before the competent court.

7. Learned counsel for the petitioner would further submit that the impugned F.I.R. has been lodged with a mala fide intention and only with a view to exert pressure upon the petitioner on account of the ongoing litigation between the parties; that, a bare perusal of the F.I.R. would reveal that the allegations have been carefully drafted after obtaining legal advice, inasmuch as it specifically refers to the pronouncement of triple talaq as a cognizable and punishable offence under the Muslim Women (Protection of Rights on Marriage) Act, 2019; that, the allegations are wholly misconceived and have been levelled solely to give a criminal colour to a long-standing matrimonial dispute between the parties.

8. Having heard learned counsel for the petitioner and upon perusal of the record, this Court finds that the petitioner has raised arguable issues requiring consideration.

9. Issue notice to respondent no.3, returnable within four weeks.

10. Steps to be taken within one week.

11. Counter affidavit be filed by the State/ respondent no.3.

12. List this matter on receipt of the service report.

13. Considering the facts and circumstances of the case, the submissions advanced on behalf of the petitioner, and without expressing any opinion on the merits of the controversy, it is provided as an interim measure that till the next date of listing, the petitioner shall not be arrested in connection with F.I.R./Case Crime No.219 of 2026 registered at Police Station SIDCUL, District Haridwar, provided the petitioner cooperates with the investigation and make himself available before the Investigating Officer as and when required.

14. Stay application stands disposed of accordingly.

(Alok Mahra, J.)

12.06.2026

Mamta