

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C482 NO. 2482 of 2023</u> <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Ms. Mamta Arya, learned counsel holding brief of Ms. Prabha Naithani, learned counsel for the applicant. 2. Mr. V.S. Pal, learned A.G.A. and Ms. Meenakshi Sharma, learned Brief Holder for the State. 3. In the instant application, preferred under Section 482 Cr.P.C., the applicant is challenging the order dated 09.11.2023, passed by Judge Family Court, Haldwani District Nainital in Misc. Case No. 413 of 2023, Nitin Jain vs. Surbhi Jain, whereby the application moved by the present applicant under Section 340 Cr.P.C., has been rejected. 4. Brief facts, of the case, are that applicant married to respondent no. 2 on 16.02.2014 in accordance with Hindu rites and rituals. Respondent no. 2 preferred an application under Section 125 Cr.P.C., before the Family Court Haridwar which was later on transferred to Family Court Haldwani and in the said proceedings written statement has been filed by the present applicant. 5. It is contended by the learned counsel for the applicant that respondent no. 2 in her affidavit disclosed her assets, income, liability however, respondent no. 2 concealed and suppressed the material facts and the said affidavit is based on wrong and misconceived facts. It is further

		contended that respondent no. 2 has wrongly disclosed the fact about the ailment of daughter Alaina and stated that Alaina is suffering from asthma, whereas the medical documents have been prepared by the eye specialist and orthopedic doctors who have no concern with asthma disease. It is further contended that in the affidavit respondent no. 2 disclosed that she spend Rs. 30,000/- per month towards education, medical, feeding, clothing etc. of her daughter which is totally incorrect and misconceived. It is further contended that in the affidavit it is alleged that respondent no. 2 has deposited Rs. 1.5 lakhs in Sukanya Scheme for her daughter but she has not disclosed that under the said scheme how much amount she has deposited and she has also not annexed any document/receipts to substantiate this fact. In para 11 it is further contended that wrong name of employer has been made in the affidavit. Consequently, the applicant, who is the husband of respondent no. 2 has moved an application under Section 340 Cr.P.C., with the allegations that by giving wrong statement on an affidavit respondent no. 2 has mislead the court. 6. The learned counsel for the applicant submits that the learned court below is not right in rejecting the application moved under Section 340 Cr.P.C. by the applicant. 7. In the operative portion of the impugned order passed by the Judge, Family Court dated 09.11.2023, the Judge Family Court after perusing the entire records, affidavit and contents of 340 Cr.P.C, application observes that the application has been moved only in order
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			to put pressure upon respondent no. 2. 8. This Court has gone through with the impugned order, on perusal of which it appears that the respondent no. 2 denied all the allegations. The court below examined all contentions of respondent no. 2 and draw a conclusion that the statements and grounds as taken in the application under Section 340 Cr.P.C. are nothing but an attempt to put pressure upon the respondent no.2. The court below further observed that all the statements as given by the respondent are bonafide which cannot be a ground to proceed under Section 340 Cr.P.C. 9. Having heard learned counsel for the applicant and after perusing the papers on record, I do not find any illegality, infirmity in the order impugned. The present C482 application is devoid of merits and is dismissed. 10. Pending application, if any, also stands dismissed. (Rakesh Thapliyal, J.) 28.12.2023 Parul
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