

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

(215)

CRR No.807 of 2015

Decided on: August 14, 2015.

Pooja

.... Petitioner

Versus

Sumit Naiyar

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Shubhankar Baweja, Advocate,
for the petitioner.

M.M.S. BEDI, J (ORAL)

An application filed by the petitioner under Section 340 Cr.P.C against her husband, has been dismissed by the trial Magistrate vide orders dated 23.10.2013 and appeal by the Court of learned Additional Sessions Judge, Panipat vide order dated 03.11.2014.

The grievance of the petitioner is that the respondent had forged and fabricated salary slip to show that he was drawing salary of Rs.19,947/- whereas his actual salary is Rs.47,420/- per month.

It is admitted fact that the petitioner has got litigation with her husband in proceedings under Section 125 Cr.P.C as well as under Section 12 of the Protection of Women from Domestic Violence Act, 2005. It is settled principle of law that provisions of Section 340 Cr.P.C cannot be invoked by the parties to settle their personal scores.

In this context, a reference can be made to judgment in **Santokh Singh Vs. Izhar Hussain and another, AIR 1973 SC, 2190**

wherein it has been observed by the Supreme Court that each and every

incorrect or false statement does not make it incumbent on the Court to order prosecution. It is the matter of judicial discretion in each case to launch proceedings under Section 340 Cr.P.C.

Taking into consideration the abovesaid circumstances, I do not find any ground to interfere in the order passed by the Courts below.

Dismissed without prejudice to the other legal rights of the petitioner.

(M.M.S. BEDI)
JUDGE

August 14, 2015
harsha