

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

**CRL. MISC. No.M-20754 OF 2012 (O&M)
DATE OF DECISION : 24th SEPTEMBER, 2016**

Vishal Mohindra

.... Petitioner

Versus

Vanita

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Vishal Mohindra petitioner in person.

Mr. V. B. Aggarwal, Advocate for the respondent-wife.

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A. B. CHAUDHARI, J. (ORAL)

By the present petition the petitioner has prayed for initiation of proceedings under Section 340 Cr.P.C. read with Section 195(1)(b)(i) Cr.P.C. and also under the Contempt of Courts Act against the respondent.

I have heard the petitioner in person and Mr. V. B. Aggarwal, Advocate for the respondent-wife at length.

In support of the petition the petitioner in person contended that respondent is his wife and a number of disputes are pending between them. He further submitted that respondent-wife had applied for transfer of cases filed against her or by her by making false affidavits in this Court in the transfer of petitions. He also submitted that in other proceedings also she made large number of statements which are false to her knowledge. He pointed out that statements are false from his written statements/arguments which I have gone through. He then submitted that there are large number of judgments numbering thirteen which initiate the taking of action.

For counter, learned counsel for the respondent-wife submitted that the petitioner-husband is involved in the litigation with his wife in number of cases and in the transfer of cases in fact, he himself has given consent for transfer of cases. The statements pointed out by him are not false nor invite any action under Section 340 Cr.P.C. as sought by him. He therefore, prayed that dismissal of the petition.

I have gone through the entire record so also the written arguments filed by the petitioner. I have carefully heard the petitioner as well as the counsel for the respondent. I have sent the photocopy of the decisions placed before me. The legal position stated in all these decisions cited by the petitioner is not in dispute and it is, therefore, not necessary for me to repeat the same in this judgment.

The petitioner has stated that the following statements made by his wife-respondent were false and, therefore action is required to be taken against her by resorting to Section 340 Cr.P.C. :

- (i) That she admitted that her pregnancy was elderly one and her entire treatment took place at Patiala till 28.03.2016.
- (ii) That in the transfer application before this Court she stated that she was thrown out of the matrimonial house because she had a female child in her womb.
- (iii) That no sex test was got conducted at the instance of the petitioner for knowing the sex of the fetus and that she did not know about any ultrasound report of the Doctor about the sex of the fetus.
- (iv) That she has no source of income and that is why she was unable to defend the divorce proceedings at Patiala.
- (v) That she was dependant on her father for her survival when as a matter of fact she was running tuition centre and working as trader in a stock market and earning handsome salary.

(vi) That the petitioner is an Advocate and influential person and, therefore, she could not get a competent lawyer at Patiala to defend her divorce proceedings when as a matter of fact that the petitioner is not a practicing Advocate and is not earning anything.

The above is the sum and substance of the alleged false statements made the respondent-wife as contended by the petitioner for which action under Section 340 Cr.P.C. has been sought.

In my opinion, the dispute between the petitioner and the respondent namely husband and wife, is clearly in the nature of matrimonial dispute. All the above statements, quoted by the petitioner, assuming are correct, the action under Section 340 Cr.P.C. is not at all warranted. It is for the Court to decide whether to take action or not and the petitioner cannot insist for action.

Looking at the aforesaid alleged false statements and in the whole background regarding their matrimonial dispute, this Court has come to a conclusion that it is not at all necessary to initiate proceedings under Section 340 Cr.P.C. as sought for. In the result, I make the following order:

ORDER

- (i) CRL. MISC. No.M-20754 OF 2012 is dismissed.
- (ii) No order as to costs.

24th SEPTEMBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No.