

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

CRM No. M-18471 of 2016 (O/M)

Date of decision : May 26, 2016

Sukhbir Singh and another

..... Petitioners

Versus

Varinder Kumar and another

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gobind Dhanda, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Learned counsel for the petitioners contends that in the proceedings under Section 125 Cr.P.C. between the petitioner No.2 and respondent No.1. It was held that petitioner No.2 Santro has not solemnized second marriage during the subsistence of her first marriage. Subsequently, a criminal complaint under Sections 494, 109 read with Section 506 IPC was filed by the respondent-accused, in which petitioner No.2 Santro was summoned. The summoning order was quashed by this court vide order dated 07.10.2009 passed in CRM-M No.18194 of 2007. Thereafter, the present petitioners filed application under Section 340 Cr.P.C. before the lower court for initiating inquiry into the allegations of giving false application. The said application was dismissed by the learned Judicial Magistrate 1st Class, Karnal vide order dated 19.07.2012 (Annexure P-2). The appeal filed against the said order was also dismissed by the learned Addl. Sessions Judge, Karnal, vide judgment dated 08.10.2015 (Annexure P-1).

Heard.

I am of the view that the inquiry under Section 340 Cr.P.C. is to be initiated only when the Court is of the opinion that it is expedient in the interest of justice that the inquiry should be made to the offences mentioned in the said Section. Since, both the courts below are of the view that it is not expedient in the interest of justice to held such an inquiry. Therefore, while exercising the powers under Section 482 Cr.P.C., this Court does not see any reason to interfere in the findings recorded by both the courts below.

Hence, present petition stands dismissed.

(KULDIP SINGH)
JUDGE

May 26, 2016

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