

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

CRL. MISC. No.M-26675 OF 2014
DATE OF DECISION : 5th OCTOBER, 2016

Monica Phalswal

.... Petitioner

Versus

Ramesh Kumar & others

.... Respondents

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

* * * *

Present : Mr. Rahul Vats, Advocate for the petitioner.
 Mr. Ramesh Kumar respondent No.1- in person.
 Mr. Anil Ghanghas, Advocate for
 Mr. Ajay Sharma, Advocate for respondents No.2.
 Mr. Surender Singh, AAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

Rule heard forthwith with the consent of counsel for the parties.

Perused the impugned orders.

This is dispute between husband and wife. The wife is petitioner in this matter. Counsel for the respondent-husband makes a statement that by this time the dispute between the parties has been completely settled.

The counsel for the petitioner however submits that there is hanging sword on the petitioner-wife because the trial Court has made an order under Section 340 Cr.P.C. for her prosecution.

I have perused the order directing the prosecution of the petitioner.

The reasons given by the trial Judge to my mind even if it is found that there was some wrong statement made by the wife regarding her income, does not call for action under Section 340 Cr.P.C. After all it must be understood that the dispute is between the husband and wife and parties are at liberty to take false and wrong pleas. Thus it does not entitle the trial court to feel aggravated and then direct the filing of complaint through registry against the litigant that does not serve the purpose except the wasting of judicial time.

In this case the dispute between the husband and wife has been settled and there is no reason to prosecute the petitioner under Section 340 Cr.P.C.

In that view of the matter there is no point in continuing with the proceedings under Section 340 Cr.P.C. Hence I make the following order:

ORDER

- (i) The CRL. MISC. No.M-26675 OF 2015 is allowed.
- (ii) The judgment dated 10.07.2013 passed by the learned ASJ, Panchkula is set aside.
- (iii) The complaint No.35/1 dated 28.02.2014 titled Ramesh Kumar, Reader in the Court of JMIC, Panchkula Versus Monica Phalswal, pending in the court of CJM, Panchkula, is quashed along with all consequential proceedings arising therefrom.

5th OCTOBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No.</i>