

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

**C.R.M-M No.38042 of 2014 (O&M)
Date of Decision : 07.12.2016**

Meenakshi Petitioner

Versus

Amritpal Garg and others Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Anshu Goel, Advocate
for the petitioner.

Mr. Mandeep S.Bedi, Senior Advocate with
Mr. Shubreet Kaur, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This petition has been filed against the order declining an application under Section 311 Cr.P.C.

The petitioner had filed a complaint against the respondents- her husband and in-laws, under Sections 420/406/498-A/494 and 506/34 IPC. The Court after going through the preliminary evidence did not find any case to summon the respondents under Section 494 IPC and only summoned them under the other sections. It was not disputed that the order declining to summon the respondents under Section 494 IPC has become final between the parties. Alongwith the complaint the petitioner had given a list of six witnesses. After her evidence was led she moved the instant application to produce certain documents and certain witnesses on record. The application having been dismissed the petitioner is before this Court.

Learned counsel for the petitioner has argued that the petitioner would not press the other reliefs but during a matrimonial case which was pending between the parties the respondents had admitted two documents viz. one voter list and one ration card and he would press this petition only qua these two documents. Learned counsel for the petitioner has further argued that as per these documents it is shown that respondent No.1-husband was living with another woman.

Learned senior counsel appearing on behalf of the respondents has however argued that once the Court did not deem it appropriate to even summon the respondents under Section 494 IPC any evidence which may tend to show an earlier marriage would be meaningless. He has further argued that even if it is assumed that the petitioner does not want to prove marriage but wants to prove pre-nuptial non-marital cohabitation that would also be of no relevance.

Learned counsel for the petitioner has argued that even if the petitioner is not desirous or able to prove previous marriage the evidence of pre-nuptial non-marital cohabitation by respondent No.1 with another woman would help to prove the offence under Section 498-A IPC.

In my opinion this argument has to be rejected. Even I have asked learned counsel to show any principle or any precedent that non-disclosure of a pre-marital relationship amounts to cruelty under Section 498-A IPC, he has not been able to show anything. Further even if the petitioner is able to prove that before his marriage to her the respondent No.1 had some relationship with another woman it would not be sufficient to establish an offence under Section 498-A IPC.

Consequently, the petition is dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

07.12.2016

Pooja sharma-I

(AJAY TEWARI)
JUDGE

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