

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

CRM-M-43780-2015

Date of decision: 29.1.2016

Vivek Manhas

...Petitioner

Versus

Anamica Pathania/ Manhas

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Pushpinder Kaushal, Advocate for the petitioner

SNEH PRASHAR, J.

The present petition under Section 340 read with Section 482 of the Code of Criminal Procedure has been filed for initiating criminal proceedings under Sections 193, 211 of the Indian Penal Code against the respondent for making false statement before this Court in TA-639-2014 titled “Anamica Pathania/ Manhas vs. Vivek Manhas”.

The submissions made by learned counsel for the petitioner have been heard.

Learned counsel for the petitioner submits that the respondent has been working as a Teacher in Pratap Worlds School, Pathankot and getting handsome salary. In her pleadings made in TA No.639-2004, she concealed the factum of her employment with the said school and wrongly averred that she is a housewife. Thus, she did not approach the Court with clean hands and therefore, criminal proceedings

under Sections 194, 211 IPC be initiated against the respondent.

During the course of arguments in TA-639-2014, learned counsel for the petitioner (respondent in the transfer application) had raised the above argument, which was taken note of by this Court but as it had not relevancy with the matter under consideration i.e. transfer of the petition filed under Section 13 of the Hindu Marriage Act, 1955 by the petitioner -husband from the Court of learned Additional District Judge, SAS Nagar, Mohali to the Court of competent jurisdiction at Pathankot, the argument was repelled. The ground on which, the respondent-wife had sought transfer of the petition was that she alongwith her minor child is residing with her parents-in-law at Pathankot, whereas the petitioner-husband had filed the petition at SAS Nagar, Mohali where he himself was residing. Considering all facts and circumstances the petition was transferred.

Thus, this Court finds no ground to initiate proceedings against the respondent-wife under Section 340 Cr.PC. This Section is not meant for being used to satisfy personal vindictiveness.

Accordingly, the present petition being bereft of merit is dismissed.

29.1.2016
gsv

(SNEH PRASHAR)
JUDGE