

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-9411 of 2016 (O&M)

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Date of decision:16.3.2016

Parnita Verma

...Petitioner

v.

Sita Rani Luthra and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. A.P.S. Shergill, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Sections 340 and 195 Cr.P.C. against Sita Rani Luthra, Satya Narain Luthra and Rajiv Kataria-respondents for initiating criminal prosecution against them for their acts of committing various offences under Sections 191, 192, 193, 196, 197, 198, 199, 200 and 202 read with Section 120-B IPC for initiating perjury proceedings against respondents No.1 to 3 for withholding material facts from this Hon'ble Court pertaining to filing of SLP Nos. (Crl.) 10341-10343 of 2014 which were dismissed vide order dated 08.01.2015 by the Hon'ble Supreme Court of India.

This petition has been filed in order to bring to the notice of this Court the commission of perjury and withholding of material and relevant facts from this Court pertaining to filing of SLP Nos. (Crl.) 10341-

10343 of 2014 which were dismissed vide order dated 8.1.2015 passed by the Hon'ble Supreme Court of India. It is stated in the petition that husband of the applicant/petitioner approached this Court for quashing of the FIR and on 4.2.2015 vide Criminal Misc. No.4308 of 2015 in Criminal Misc. No.M-3590 of 2014 and on 7.4.2015 in Criminal Misc. No.11667 of 2015 in Criminal Misc. No.M-3590 of 2014 approached this Court for granting him permission to travel abroad without disclosing the factum that the SLP (Crl.) Nos.10341-10343 of 2014 filed by the mother of the respondent No.1 Sita Rani Luthra stand dismissed by the Hon'ble Supreme Court of India vide order dated 8.1.2015. Criminal Misc. No.4308 of 2015 in Criminal Misc. No.M-3590 of 2014, which was dismissed as not pressed and Criminal Misc. No.11667 of 2015 in Criminal Misc. No.M-3590 of 2014 for travelling abroad was dismissed as withdrawn on 14.5.2015 with a liberty to approach for same relief before the learned trial Court and the husband Satya Narain Luthra filed an application before the learned trial Court which was dismissed by the trial Court vide its order dated 26.5.2015. At that point of time, respondent No.2 never disclosed to this Court or to the learned trial Court the fact that the Hon'ble Supreme Court dismissed the SLPs of respondent No.1 filed through respondent No.2 against the non-bailable warrants issued by the learned trial Court.

I have heard learned counsel for the petitioner and have gone through the record.

At the time of arguments, learned counsel for the petitioner only argued that the orders passed by the Supreme Court regarding

dismissing the SLP Nos.10341-10343 of 2014 have not been disclosed to this Court. Firstly, I find that the petitions have been filed by respondents Sita Rani Luthra and Satya Narain Luthra for quashing of the FIR. This means proceedings were pending before this Court. During the main proceedings some criminal miscellaneous applications were filed for travelling abroad etc. It is settled law that for each and every concealment etc. the proceedings should not be initiated. This Court is to see whether in the facts and circumstances, this Court is to initiate the proceedings under Section 340 Cr.P.C. etc., or not.

In the present case after hearing learned counsel for the petitioner, I do not find it a fit case where the proceedings should be initiated only that the orders passed by the Hon'ble Supreme Court have not been disclosed which does not relate to main proceedings. If the petitioner was in the knowledge of those orders, then the petitioner would have brought it to the knowledge of the Court during the proceedings.

From the record, I do not find it a fit case that any perjury has been committed by withholding some facts from this Court.

Therefore, finding no merit in this petition, the same is dismissed.

March 16, 2016.

(Inderjit Singh)
Judge

hsp