

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

CRM-M-14526-2017 (O&M)

Date of decision: 12.05.2017

HARMINDER SINGH PARHAR

...Petitioner(s)

Versus

DEEPIKA PARHAR AND ORS

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Mandeep S. Sachdev, Advocate for the petitioner (s).

Jitendra Chauhan, J. (Oral)

This petition is directed against the order dated 06.03.2017, passed by learned Addl. Sessions Judge, Jalandhar, whereby the revision petition filed by the petitioner against the order dated 16.10.2014 was dismissed and the order dated 16.10.2014 passed by learned CJM, Jalandhar, in complaint No.RBT-25/1/14 dated 13.04.2011 filed under Section 420 IPC, was upheld.

Brief facts of the case have been noticed in Para No.2 of the order dated 16.10.2014, passed by learned CJM, Jalandhar, which reads as under:-

“That the marriage of the complainant with accused No.1/Deepika Parhar was solemnized on 10.06.2009 as per Sikh rites with the intervention of relative of accused Nos.1 and 2 and after marriage, complainant and accused No.1 lived as husband and wife at Bangalore and now child was born. The marriage was solemnized in a very simple manner. After marriage, both the parties went to Bangalor and prior

to marriage, ity was informed to the complainant by the accused Nos.1 and 2 that father of accused No.1 is Davinder Pal Singh Jaswal who has since expired and all the ceremonies would be performed by the accused No.3, Sohan Singh Parmar, maternal uncle of accused No.1 and on their assurance the complainant and his family never inquired about the background. In the month of May, 2010 it transpired that father of the accused No.1 had not died and he was alive and was living in USA and this fact disclosed for the first time by the accused No.1 to the complainant on 15.05.2010 and on hearing the same the complainant was shocked. Even in the invitation card of the marriage, the name of the father name of the accused No.1 was not mentioned and in the Gurudwara Sohan Singh Parmar signed as father of accused No.1. Even while getting the marriage registered on 30.06.2009 at Jalandhar, it was got mentioned that Davinder Pal Singh had already expired. In May, 2010, the accused No.1 disclosed to the complainant that her father had deserted her and she was born out of the loins of Sohan Singh Parmar and complainant was shocked after hearing these words. Thereafter, the complainant told the entire facts to his family members. In the panchayat, the family members of the accused Nos.1 and 2 admitted that Davinder Pal Singh was alive in USA. Accused No.2 told that Davinder Pal Singh deserted her alleging that accused No.1 was in fact is not his daughter as she was born in the absence of Davinder Pal Singh when he was abroad and biologically when there was no physical relations between Davinder Pal Singh and accused No.2, Ravinder Kaur Jaswal. It was admitted by the entire village folk that they knew this fact but they never disclosed the same at the behest of accused Nos.1 and 2. The complainant could not know this fact as he was residing at Bangalore since the year 1989. It was even disclosed that Parminder Deep Singh Jaswal, elder brother of accused No.1 is in fact son of Davinder Pal Singh Jaswal and Davinder Pal Singh admits paternity of elder brother namely Parminder Deep Singh Jaswal while he never admitted paternity of accused No.1. On coming to know the said fact, an objection was raised and immediately in order to create evidence and to harass the complainant, accused No.1 filed a false complaint to the police and FIR No.234 dated 14.10.2010 P.S. Div. No.7, Jalandhar under Section 406, 498-A IPC was registered without even joining the complainant and his family members in the investigation. The complainant and his father were arrested and they remained in custody and now

are facing trial. Since the detection of fraud, there has not been any cohabitation between the complainant and accused No.1 as husband and wife and petition under Section 12(1) (c) of the Hindu Marriage Act for annulment of marriage being null and void has been filed. The complainant was ignorant of the said fact earlier to the marriage, rather consent of the complainant for marriage with the accused No.1 was taken by fraud by giving false material facts about the accused No.1. No intercourse has even taken place after detection of the said fraud. In this way the complainant has been deceived and had such deceiving not been done by the accused, this marriage would not have been effected. Hence the present complaint under Section 420 IPC.”

It is contended that the consent of the petitioner for marriage was obtained by playing fraud upon him as respondent No.1 was wrongly projected as the daughter of Late Devinder Pal Singh Jaswal, whereas he is still alive. Respondent No.1 in fact is the biological daughter of Sohan Singh Parmar. These material facts were deliberately concealed by the respondents. It is asserted that the learned Courts below did not consider this factual aspect of the matter. The order passed being patently wrong, illegal and against the settled principles of law, deserved to be set aside.

I have heard the learned counsel and carefully perused the entire record on file.

Primarily, it is case of matrimonial discord between the petitioner and respondent No.1. As per the case of the petitioner, respondent No.1 was wrongly projected as the daughter of Late Devinder Pal Singh Jaswal, whereas, he is still alive. Respondent No.1 in fact is the biological daughter of Sohan Singh Parmar. However, except the self serving statement of the petitioner, he has not led any documentary evidence to prove that

respondent No.1 is not the biological daughter of Devinder Pal Singh Jaswal. The petitioner has failed to explain as to how the allegations made in the complaint fall under the ambit of Section 420 IPC. Rather it is case of matrimonial discord, wherein an effort has been made to distort and exaggerate the facts. The marriage in question took place on 10.06.2009, whereas, the complaint was filed on 13.04.2011. In the absence of any evidence on record the Court is not inclined to interfere at this stage. Accordingly, the findings recorded by the Courts below cannot be said to be perverse or contrary to the material on record. This Court feels that Courts below have passed the orders under challenge, after appreciating the entire facts and circumstances of the present case and no other view is possible.

Dismissed.

12.05.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No