

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

**CRM No-M- 3414 of 2014 (O&M)
Date of decision: 16.8.2017**

Kulwant Kaur

.....Petitioner

Vs.

Yash Paul and others

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Ms. Kulwant Kaur-petitioner in person
Mr. Rajinder Goyal, Advocate for the respondents

Ajay Kumar Mittal,J.

Criminal Miscellaneous No. 31495 of 2015

1. Certified copy of the order dated 20.11.2003 is taken on record. The application stands disposed of.

Criminal Miscellaneous No-M-3414 of 2014

2. Petitioner-Kulwant Kaur has filed the instant petition under Section 482 of Code of Criminal Procedure for expunging the remarks "Gold Digger" being unjustified, uncalled for, unwarranted and contrary to the facts of the case, in the order dated 20.11.2003 passed by this Court.

3. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioner is an advocate practicing in this Court as well as in the Subordinate Courts since 20.12.1993. In the year 1997, due to the arrival of one Anju Bal, wife of

Sandeep Bal and daughter of Om Prakash, in the life of Prem Nath and who was duly welcome by the two sons from his other wife, Prem Nath went to the extent of appointing her as a Director of one of the companies which triggered the dispute between him and the petitioner resulting in strained relations between them. Prem Nath at one time denied her as his wife but admitted the two children born out of the said alliance i.e. son on 10.11.1977 and daughter on 9.11.1985. The petitioner filed a complaint under Section 493 IPC against the husband Prem Nath. Vide order dated 26.09.2002, the said application was dismissed by the trial Court. Aggrieved by the order, the petitioner approached this Court through Criminal Miscellaneous No.150-MA-2003 which was dismissed in limine by this Court vide order dated 20.11.2003. The petitioner could not approach the Apex Court as her husband offered for a compromise but the same could not be materialised as the sons from his earlier wife never liked the idea because the compromise would have resulted in giving an equal share in the property and assets of Prem Nath. Due to malafide intentions of respondents to grab the whole property, Prem Nath was murdered in the year 2005. The petitioner is pursuing the murder case to get the guilty punished. According to the petitioner, the respondents by putting pressure on her have connived with certain other persons with whom she had some disputes and the cases are pending. The impugned remarks in the judgment dated 20.11.2003 are nothing less than a stigma and are totally against the facts on the file and are affecting the dignity of the petitioner before the courts where she is appearing as an advocate. Hence the instant petition by the petitioner before this Court with the prayer as mentioned above.

4. We have heard the petitioner in person who is an advocate and also the learned counsel for the respondents and gone through the

averments made in the instant petition and perused the judgment dated 20.11.2003 wherein the impugned remarks have been recorded against the petitioner. Admittedly, there was matrimonial dispute qua the petitioner with her alleged husband Prem Nath. Her petition under Section 493 of the Indian Penal Code against Prem Nath was dismissed by the trial court vide judgment dated 26.9.2002. She approached this Court against the acquittal of Prem Nath. Vide order dated 20.11.2003, a Division Bench of this Court declined leave to appeal and upheld the order passed by the trial court. However, while passing the said order, the Bench recorded the remarks that the petitioner is a “gold digger” and lived as Prem Nath’s mistress for a long time. Taking into consideration the overall facts and circumstances of the case and after hearing the petitioner in person and learned counsel for the respondents, we find that the said remarks are required to be expunged. Ordered accordingly. The petition stands disposed of as such.

(Ajay Kumar Mittal)
Judge

August 16, 2017
‘gs’
Whether speaking/reasoned
Whether reportable

(Amit Rawal)
Judge
Yes
Yes