

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

**Criminal Misc.No.M-4410 of 2015 (O&M)
Date of Decision: July 27, 2017**

Kawaldeep Singh

.....PETITIONER(s).

VERSUS

Harprit Kaur Khalsa

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Gandhi, Advocate
for the petitioner.

Mr. Rahul Rampal, Advocate
for the respondent.

SURINDER GUPTA, J.

This is application filed by Kawaldeep Singh against Harprit Kaur Khalsa for initiating action against her for filing an additional affidavit dated 08.01.2015 in transfer application No.380/2014 with oblique motive to harm and defeat the just claim of the petitioner.

The petitioner had filed a petition under Section 12 of Hindu Marriage Act before the Court at Patiala against respondent Harprit Kaur seeking annulment of marriage. Respondent moved transfer application No.380 of 2014 seeking transfer of the case from Patiala to Amritsar, which was allowed. During that proceeding, affidavit dated 08.01.2015 had been filed. It will not be out of context to take note that order dated 11.02.2015 passed in transfer application No.380 of 2014, whereby the petition filed by

the petitioner under Section 12 of Hindu Marriage Act at Patiala was transferred to Amritsar. A Coordinate Bench of this Court while allowing that petition observed in para 7, 8 and 9, as follows:-

“7. In the present case, when two other cases i.e. a criminal case registered, interalia, under Section 498-A IPC as also a petition under Section 12 of the Act of 2005 are being faced by the husband at Amritsar, why the husband has chosen to file the petition under Section 12 of the Act at Patiala itself is an indication that it has been filed to humiliate, harass and dwarf the petitioner-wife.

8. Keeping in view the facts and circumstances as explained earlier, the request is allowed.

9. Sequelly, the petition under Section 12 of the Act pending at Patiala is transferred to District Judge, Amritsar who may further transfer the same to any court of competent jurisdiction at Amritsar. Both the concerned District Judges to comply.”

Learned counsel for the petitioner has argued that in the affidavit dated 08.01.2015 (Annexure-P5) filed in that petition, the responder had averred that she was allowed to visit U.S.A. and Canada, being employee of Shiromani Gurdwara Prabandhak Committee (for short-SGPC) and in case of outstation travel, the respondent travels with whole team and not alone. Both the above averments were wrong as SGPC in the information supplied to the petitioner under Right to Information Act has disclosed that respondent was never allowed to go abroad by SGPC. If she could travel alone to countries like U.S.A. and Canada, her averment in the affidavit that for outstation travel, she goes with a team and not alone was incorrect and misleading.

Learned counsel for the respondent has argued that additional affidavit was filed on the specific query of the Court as to whether she had gone abroad and it had nothing to do with the averments in the petition. She had nowhere stated that she was sent abroad by SGPC. It is clear on perusal of para 1 of the affidavit that respondent was called to Los Angeles and West Minister Gurdwara, Canada by the Management of those Gurdwara which had borne expenses of her visit there. She had visited there in the year 2011 and 2012. There is no basis for allegation by the petitioner that some wrong statement was made by the petitioner to mislead this Hon'ble Court.

On going through the petition and after hearing learned counsel for the petitioner at length, I find that this application has been filed by the petitioner to either satisfy his ego or to keep the litigation alive with respondent with whom his marriage is stated to have been annulled by now. The provisions of Section 340 Cr.P.C. are attracted when Court is of the opinion that some of the offence in clause-B of sub-Section 1 of Section 195 Cr.P.C. has been committed. In this case respondent by filing the affidavit had given some information to the Court. No order was passed on the basis of those information. It is not a case of the petitioner that the Court was guided by this affidavit while allowing the transfer application. Perusal of the order as quoted above shows that petition filed by the petitioner under Section 12 of the Hindu Marriage Act at Patiala was transferred to Amritsar as other cases between the parties were pending there. Against the order of transfer, petitioner had gone to the Apex Court by filing Special Leave to Appeal (C) No.8365 of 2015, which was also dismissed.

Keeping in view the above facts, I find that no reason for

conducting any inquiry for any false deposition before this Court is made out.

This petition, which has no merits, is dismissed with costs of Rs.10,000/-.

July 27, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***