

ISHA AND ANOTEHR VS STATE OF HARYANA AND ORS

Present: Mr. Ravinder Bangar, Advocate for petitioner No.2.

Mr. Surender Singh, AAG, Haryana.

Mr. S.P.S. Aulakh, Advocate for respondent No.4.

Mr. Arun Singla, Advocate for Pooja.

Memo of appearance filed on behalf of Pooja, alleged earlier wife of petitioner No.2, is taken on record.

A joint petition was moved by accused-petitioner No.2, namely, Vikrant @ Vikas with Isha (petitioner No.1) under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') for directing Superintendent of Police, Yamuna Nagar and S.H.O., Police Station Yamuna Nagar City (respondents No.2 and 3) to protect their lives and personal liberty from the hands of the parents of his alleged wife Isha with whom he has solemnized marriage against their wishes. However, on hearing the said petition on 17.08.2017, mother of petitioner No.1-Isha, appeared in person and disclosed to this Court that accused-petitioner No.2 was already married with one Pooja and, therefore, his averments in Para No.11 of the petition, that it was his first marriage with Isha, were wrong.

Learned counsel for accused-petitioner No.2 did not deny the above factum of earlier marriage of accused-petitioner No.2 with one Pooja. Therefore, accused-petitioner No.2 was issued show cause notice to explain as to why proceedings under Section 340 Cr.P.C. as well as Contempt of Courts Act, 1971 should not be initiated against him for furnishing false information/ evidence in this Court knowing well that the same was false.

petitioner No.2 absented, therefore, he was ordered to be summoned through non bailable warrants. Even accused-petitioner No.2 or his counsel did not comply with the directions given to them regarding submission of final outcome of the divorce petition titled 'Baldev Singh vs. Pooja'. Today, accused-petitioner No.2 has been produced in pursuance of the warrants issued against him.

Learned counsel appearing for Pooja, earlier wife of accused-petitioner No.2, submits that accused-petitioner No.2 solemnized marriage with Pooja and has not yet sought any divorce from her. Since accused-petitioner No.2 has furnished false information/evidence in this Court, therefore, show cause notice was got served upon him through Chief Judicial Magistrate, Yamuna Nagar at Jagadhri on 15.09.2017, but he has not submitted any reply till date.

Considering over all facts and circumstances, this Court is satisfied that accused-petitioner No.2 has committed offence under Section 195 of the Indian Penal Code. Therefore, the matter is remitted to the Chief Judicial Magistrate, Yamuna Nagar to proceed further under Section 340 Cr.P.C. and Contempt of Courts Act against accused-petitioner No.2 in accordance to law. The police authorities are directed to produce accused-petitioner No.2 before Chief Judicial Magistrate, Yamuna Nagar. Cost of Rs.10,000/- has also not been paid which, petitioner No.2 states that he would deposit in course of time. Complete file of this case be sent to Chief Judicial Magistrate, Yamuna Nagar.

Disposed of in above terms.

(RAMENDRA JAIN)
JUDGE

13.11.2017