

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
207**

C.O.C.P. NO.3581 OF 2014

DATE OF DECISION: AUGUST 08, 2018

Court on its own motion

.....Petitioner

VERSUS

Gurmeet Singh

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. K.B.S.Mann, Advocate
for wife-Charanjit Kaur.

Mr. P.S.Brar, Advocate,
for the respondent-husband.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been initiated by the Court on its own motion, proceeding on the assumption that the respondent had made a wrong statement in the Court about his wife not joining him. This has been asserted to be so in the light of the fact that he was already residing with another lady, Sandeep Kaur, with whom she was in a live-in relationship, which fact is disputed by the respondent by asserting that after his wife, namely, Charanjit Kaur, had left the matrimonial home, although the wife states that she had been thrown out of the house, Sandeep Kaur was looking after the household affairs and he has never married with her as was initially asserted and complained by Charanjit Kaur.

I have perused the order passed by this Court as also the reply,

which has been filed by respondent, Gurmeet Singh. Perusal of the said reply explains the position as far as he is concerned. It has been explained that it was during the mediation proceedings that a compromise was entered into between the parties on 17.10.2011 and on the basis of the said compromise, both the parties made their respective statements in Court that they were residing happily as husband and wife since 22.11.2011 and further that that pending case under Section 125 Cr.P.C. as also case under Sections 406, 498A IPC and the appeal pending against the acquittal order passed by the Judicial Magistrate Ist Class, Sirsa in FIR No.164, dated 04.08.2001 between the parties were to be withdrawn and on the basis of said compromise, the divorce decree was set-aside by this Court on 02.03.2012.

It is after that when the appeal preferred by the contemner-respondent Gurmeet Singh against the acquittal of the brothers of Charanjit Kaur was withdrawn on 15.03.2012 and on the very next day his wife left the house, review application was moved by him, where a statement was given by Charanjit Kaur that respondent Gurmeet Singh has already married with Sandeep Kaur. On the asking of the Court, an enquiry was held by the Assistant Superintendent of Police, Sirsa, who submitted his report dated 22.10.2013 wherein it was concluded by him that there is no proof with regard to there being another married solemnized between Gurmeet Singh and Sandeep Kaur and rather Gurmeet Singh had brought Sandeep Kaur to his house with the consent of her parents to do the household work and to maintain his house.

In view of the said report, it cannot be said that there has been a marriage solemnized by Gurmeet Singh with Sandeep Kaur. The allegations

against the respondent that he had falsely made a statement before this Court that they were residing together happily again cannot be said to be a false statement as at that moment both the parties had given their respective statements in the Court. It is not a case that the respondent and his wife, Charanjit Kaur, had not cohabited after the compromise was entered into between the parties or that they did not continue to stay together after the passing of the order dated 02.03.2012 but it is subsequently that certain dispute between the parties had arisen and Charanjit Kaur left the house of the respondent, may be for any reason.

Therefore, without going into the aspect with regard to the reasons as to whether the wife left the matrimonial home or she was thrown out of the same, this Court gives benefit of doubt to respondent, Gurmeet Singh and does not find him guilty of having made a false statement before the Court.

In view of the above, the present contempt petition stands disposed of.

Rule issued against the respondent stands discharged.

August 08, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No