

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-22060-2019
Date of Decision:28.05.2019

Yogesh Prabhakar

...Petitioner

Versus

Monika Prabhakar @ Monika Sharma @ Monika

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Ashish Gupta, Advocate for the petitioner.

ANIL KSHETARPAL, J.

Petitioner has filed this petition in person under Section 482 Code of Criminal Procedure ('Cr.P.C.' for short) for setting aside/quashing of order dated 07.03.2019 and all subsequent proceedings including order dated 02.05.2019 as also for issuance of direction for registration of a criminal complaint case under Section 340 Cr.P.C. against the respondent-Monika Prabhakar.

It may be noted that parties were married and divorce has already been granted and the appeal filed by the petitioner herein was dismissed, affirming the decree of divorce.

Precisely the grievance of the petitioner is threefold. The petitioner alleged that Monika Prabhakar, his ex-wife, had given statement in the court, however, when certified copy thereof was received by the petitioner, it was found to be interpolated. It has further been alleged that his ex-wife gave wrong information with respect to her employment. The

learned trial court wrongly appointed the counsel, who earlier represented the wife, as amicus curiae. The application has been dismissed by the learned trial court.

Taking into consideration that the petitioner was appearing in person, Shri Ashish Gupta, Advocate, was requested to assist the Court.

This Court has heard the learned counsel at length and with his able assistance gone through the paper book.

As regards interpolation with regards to the words “छे” with “था”, it is apparent that the petitioner has himself admitted that modification in the statement of Monika Prabhakar dated 08.09.2017 was made on his objection.

As regards allegations of Monika Prabhakar, his ex-wife, disclosed incorrect facts and gave false evidence with regard to her non-employment, it may be noted that the petitioner failed to produce evidence to prove that fact. Still further, attempt on part of the petitioner to show status of decree holder as a working woman and she being earning hand remained unsuccessful in the previous rounds of litigation.

As regards objection of the petitioner with regard to appointment of Sh.C.L.Chauhan, Advocate, who was earlier representing the wife, is also without any basis, as the court has recorded that since Shri C.L.Chauhan, Advocate, knew the facts of the case, therefore, he was requested to assist.

Still further, the petitioner has sought to invoke inherent power of this Court under Section 482 Cr.P.C. The exercise of that power is discretionary.

In the facts of the present case, this Court does not find that such power is required to be exercised. Hence, the present petition is dismissed.

28.05.2019
mks

(ANIL KSHETARPAL)
JUDGE

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