

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-24400 of 2019 (O&M)
Date of decision : May 27, 2019

Avtar Singh

....Petitioner

versus

State of Punjab and others

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

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

Fateh Deep Singh, J. (Oral)

The petitioner who happens to be Soldier in the Indian Army has invoked the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure for issuance of directions to the official respondents for taking action against private respondents in accordance with law.

Upon hearing counsel for the petitioner and on perusal of the records. It is in evidence that the petitioner and private respondent no. 4 entered into wedlock on 2.12.1992 and out of which a male child was born to them and it is alleged that in October, 1993

private respondent no. 4 without his consent had taken away the child and left the matrimonial home. It is further claimed that the private respondent is in fact carries a name of Anita Rani Sehgal and is the wife of one Pawan Kumar Sehgal and under the fraudulent name of Harbans Kaur alias Anita Rani Sehgal had entered into a wedlock and has shown his apprehension that the wife of the petitioner has either been murdered or is in illegal custody of respondent no. 4 which led to filing of petition under Section 13 of the Hindu Marriage Act, 1955 seeking divorce by the petitioner and an ex-parte judgment decree was passed on 24.12.2011 and subsequently vide orders of the Court the ex-parte judgment decree of divorce was set aside. It is on the grounds of misrepresentation and fraud by the private respondents has sought to seek action by virtue of this petition.

Appreciating the submissions from the close perusal of the petition and the contents of the entire records it is abundantly reflective that it is nothing but misuse of the process of the courts by the petitioner for a sinister motive against the wife from whom he has earlier managed to secure an ex-parte judgment decree of divorce which was ultimately set aside and thus, nothing but an arm twisting tactics to force private respondent wife not to pursue her

legitimate and legal claims against the petitioner. The courts are supposed to be conscious to such machinations of private individuals and the courts cannot be allowed to be used as tools of revenge and vengeance. Thus, apparently there is no merit in the present petition which stands dismissed in *limine*.

May 27, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No