

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

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**FAO-M-188-2017 (O&M)
Date of Decision : 30.04.2019**

Smt. Poonam

... Appellant

Versus

Sanjay Kumar

...Respondent

**CORAM:HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Jagjot Singh, Advocate for the appellant.

Mr. Sumit Gupta, Advocate for the respondent.

RAKESH KUMAR JAIN, J.(ORAL)

Present appeal is preferred by the wife of the respondent against whom judgment and decree has been passed on 26.07.2017 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 (for short 'the Act').

In brief, marriage of the parties was solemnized at Ballabgarh as per Hindu rites on 07.04.2011. Two children were born out of the said wedlock, namely, Deepak and Himanshi. Respondent-husband had filed a petition for seeking a decree of divorce on the ground of cruelty alleging that the appellant has involved him, his mother, father and younger brother in a false criminal case which was registered vide FIR No 92, dated 22.02.2012 under Sections 498-A/406/506/34 IPC. It is also alleged that appellant had been engaged in conversation on mobile phone with an unknown person and had not disclosed the reason.

At the time when the petition was filed, the trial was on in the aforesaid FIR but during the pendency of this petition, the respondent and

his father who were tried, were acquitted on 18.10.2016. Learned court below has taken this aspect as an act of cruelty on the part of the appellant who has allegedly made a false complaint against the entire family members of her husband in order to rope them in heinous offence like offence of seeking dowry and criminal breach of trust.

Learned counsel for the appellant has though vehemently argued that the findings recorded by the learned trial court are *per se* illegal but he could not deny the fact that the petition was filed by the respondent for seeking a decree of divorce on the ground of registration of a false case against him and his family members in which they have been acquitted and the appellant had not filed any appeal or any proceedings against the order of acquittal of the respondent and his father.

After taking into consideration the aforesaid facts and circumstances, we are of the considered opinion that there is hardly any merit in the present appeal for the purpose of interference by this court and the same is thus, hereby dismissed without any order as to costs.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

30.04.2019

pooja saini

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No