

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

**CRM-M-6942-2020
Decided on : 25.02.2020**

Sanjeev Kumar

. . . Petitioner(s)

Versus

Chinu and others

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. IPS Issar, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Sections 482 Cr.P.C., for quashing of order dated 10.01.2020 (Annexure P-1), passed by learned Additional Principal Judge (Family Court), Camp Court at Naraingarh in case No. MNT/335/2016, whereby, the application of the petitioner to conduct DNA test of the children (respondents No.1 & 2 therein), was dismissed by the trial Court.

It was *inter alia* contended that the trial Court while dismissing the aforesaid application gravely erred in not appreciating that respondent No.1 (wife) had stayed with the petitioner for only about 3 to 4 months and thereafter, had moved to the house of her parents and as such there had been no conjugal relationship between them after that. It was submitted that it was in this factual background that a prayer had been made for conducting the DNA tests on respondents No.2 and 3 i.e. the children of respondent No.1 *qua* their paternity, as the same would have a direct bearing on the decision of a petition under Section 125 Cr.P.C. filed by the respondents against the petitioner.

I have heard learned counsel for the petitioner and have gone through the impugned orders.

A perusal of the impugned order clearly reveals that in a petition

filed under Section 9 of the Hindu Marriage Act, 1955, the petitioner had admitted to the factum of both respondents No.2 & 3 being his children and having been born, out of the wedlock, with respondent No.1. Further, it also transpires that the allegations *qua* the paternity of respondents No.2 & 3 have been raised after almost six years, after the registration of the FIR on 07.07.2013. Respondent No.1 (wife) was allegedly thrown out of her matrimonial home along with her children in May, 2013, and she gave birth to respondent No.3-Kanika, three months, thereafter, in September, 2013. It is not the case of the petitioner that he had no access to the petitioner prior to May, 2013, when she was allegedly thrown out of the matrimonial home by the petitioner. Thus, there is no manner of doubt that respondents No.2 & 3 were born during the subsistence of the marriage between the petitioner and respondent No.1.

Therefore, in the facts and circumstances of the case, no ground is made out to interfere in the impugned order dated 10.01.2020 (Annexure P-1). Consequently, the instant petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

February 25, 2020

J.Ram

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