

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129)

CRM-M-34366 of 2021

Date of Decision: 17.12.2021

Saroj

...Petitioner

Versus

Sandeep

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. P.R Yadav, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

On 05.10.2021, the following order had been passed by this court:-

“Case heard via video conferencing.

This petition has been filed under the provisions of Section 340 of the Cr.P.C. for initiating proceedings against the respondent under appropriate sections, for submitting a 'false petition' and affidavit before this court, in CRWP No. 5844 of 2021 (as alleged).

Learned counsel for the petitioner submits that though in CRWP No. 5844 of 2021, the respondent herein (as also petitioner no. 1 in that petition with whom he was in a live-in relationship), had disclosed that the said petitioner had earlier been married but had been widowed, it had not been stated that he himself, i.e. (the respondent herein who was petitioner no. 2 in that petition), was also married, with a wife and child; and consequently, appropriate proceedings be initiated against him.

Upon query to him as to how proceedings under the provisions of Section 340 of the Cr.P.C. would lie against the respondent if he had not specifically stated that he is not married whereas he is married (as contended), he seeks time to address arguments.

On his request, adjourned to 23.11.2021.”

Thereafter, counsel for the petitioner never having put in an appearance for two dates in succession, hearing in the matter had been

adjourned till today for him to put in appearance, and in his absence with the petition to be dismissed for non-prosecution.

Today, Mr. P.R. Yadav, Advocate, appears for Mr. Surender Saini, Advocate, and submits that as a matter of fact since no specific averment to that effect had been made by the respondent herein in CRWP no.5844 of 2021, to the effect that he was also married and had a wife and child, though he had not disclosed that fact, it would be very doubtful as to whether any proceeding under Section 340 of the Cr.P.C. would lie in such a situation or not.

The present petition is consequently disposed of as not having been pressed.

17.12.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No