

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

CRWP-6686-2022

Date of Decision: 18.07.2022

Raj Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

HARNARESH SINGH GILL, J.(Oral)

The present criminal writ petition has been filed under Article 226/227 of the Constitution for issuance of directions to respondents No.2 to 4 to ensure protection of life and liberty of the petitioner and his family members at the hands of respondent No.5, and that in the event of the requirement of the petitioner in police station in any complaint/FIR at the behest of respondent No.5 or her relatives, he be given seven days' prior notice as per the provisions of Section 160 Cr.P.C.

Learned counsel for the petitioner contends that on 19.05.2010, marriage of the petitioner was solemnized with respondent No.5, against the consent of their parents; that it was a love marriage between them; that out of the said wedlock, one child, namely, Omisha, now aged about 8 years, was born; that unfortunately, some difference arose between the petitioner and respondent No.5; that a divorce petition under Section 13-B of the Hindu Marriage Act, 1955, for dissolution of their marriage was filed; that in the said petition, statements of first motion have since been recorded and the case is now fixed for 20.10.2022, for the second motion, and that during the pendency of the

said petition, the wife has got initiated proceedings under Section 107/151 Cr.P.C., against the petitioner by levelling false allegations.

I have heard the learned counsel for the petitioner.

Respondent No.5 has got initiated the proceedings under Sections 107/151 Cr.P.C., against the petitioner with the allegations that he had prepared her fake video by taking her photos from her mobile and that he was levelling false allegations against her by showing the video to the relatives and neighbours.

Admittedly, there is a matrimonial dispute between the petitioner and respondent No.5. Indisputably, statements of first motion have been recorded in the petition filed under 13-B of the Hindu Marriage Act, and the proceedings are now pending for the second motion.

So far as the Kalandra under Section 107/151 Cr.P.C., is concerned, this Court finds that the same is to be decided independently and this Court cannot record any finding qua the same as it would tantamount to interference.

This Court finds that the petitioner has no legal and valid ground to challenge the proceedings under Sections 107/151 Cr.P.C. As noticed above, the said proceedings are totally different than and independent of the matrimonial proceedings already pending between the parties. It does not appeal to a prudent mind that the wife would initiate false proceedings against her husband (petitioner), especially when she has already got recorded the first motion statement in the divorce proceedings and there is nothing on record to show that she would not appear for the second motion. Thus, the filing of the present petition is

nothing, but a misuse of the process of law. Therefore, the petitioner is liable to be saddled with exemplary costs.

In view of the above, the present petition is dismissed with costs of Rs.10,000/-, which shall be deposited with the District Legal Services Authority, Fazilka, within six weeks from today.

18.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note: Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No