

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-A-611-MA-2018 (O&M)

Date of order: 18.08.2023

Gurmeet Kaur

.....Appellant(s)

Vs.

Mewa Singh

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Pritpal Singh Miglani, Advocate
for the appellant.

Nidhi Gupta, J.

Prayer in the present appeal is for setting aside judgment dated 17.11.2017 passed by learned Additional Chief Judicial Magistrate, Kurukshetra whereby complaint filed by the appellant against the respondents herein under Sections 307, 354, 406, 420, 466, 468, 471, 494 and 120-B IPC has been dismissed.

2. Brief facts of the case are that the appellant/complainant was married to the son of the respondent herein on 23.02.1998. From this wedlock, two daughters and one son were born. On 17.09.2004, the appellant's husband went abroad. It is alleged that he has married someone else in the UK. Respondent is the father-in-law of the appellant.

3. Learned counsel for the appellant submits that after the respondent's son deserted her, he even got ex parte divorce from the appellant fraudulently. Thereafter, she returned to the matrimonial home in Kurukshetra and remained there till 2010. However, she was shunted out by the respondent-father-in-law, as she refused to maintain illicit relations

with him. Subsequently, the matter was settled through the Panchayat for Rs.16 lakh to be paid as maintenance to the appellant as well as her son, only for the reason that the respondent wanted to save himself from criminal liability. It is further submitted that despite being the father-in-law of the appellant, the respondent has tried to outrage her modesty and has criminally intimidated her if she reported the matter to anyone.

4. I have heard learned counsel for the appellant.

5. In this regard, relevant findings of the learned Chief Judicial Magistrate, Kurukshetra as contained in the impugned order are reproduced hereinbelow:-

“14.The whole case of the complainant is demolished when copy of judgment Ex.P5 is perused. Gurmeet Kaur instituted petition under section 13 of the Hindu Marriage Act, 1955 on 22.3.2007 against her husband seeking ex-parte divorce. Ex-parte decree of divorce was granted to her on 6.9.2007. She has levelled false allegations in her letters that it is Parbhjot Singh who obtained divorce from her. In her pre-charge evidence, she has put allegations even on the counsel Shri Vijay Anand, Advocate who was engaged by her for seeking ex-parte decree of divorce against her husband. It is clear that in year 2007, she has obtained decree of divorce then there was no occasion for her to stay with her in-laws.17 It is also made out that the parties had several litigations against each other. Ex.P14 is suit for declaration and permanent injunction filed by present accused Mewa Singh against Gurmeet Kaur, where compromise was arrived. The copy of compromise is Ex.P15 on the file. This compromise was arrived on 24.5.2010 between complainant Gurmeet Kaur and accused Mewa Singh. Under this agreement both the minor daughters namely Simaranjit Kaur and Amrit Kaur were

agreed to be kept in custody of Mewa Singh and custody of son was given to the complainant Gurmeet Kaur. The complainant also accepted amount of Rs.16 lacs as permanent alimony. AS per this agreement, it was agreed that Gurmeet Kaur and Parbhjot Singh can remarry. Now as per the settlement arrived between the complainant and father-in-law, complainant handed over the custody of her both daughter to father-in-law, who always pressurized her to make illicit relations with her. No woman would hand over her daughters to a person, who is keeping even bad eyes on her but in this case the complainant has alleged that father-in-law has tried many times to outrage her modesty. It is again stated vociferously that complainant herself handed over the custody of her daughters to the grandfather Mewa Singh in year 2010. Not only this that complainant received Rs.16 lacs as alimony but Mewa Singh had undertaken to upbringing Simaranjit Kaur and Amrit Kaur both his grand daughters and she received back entire dowry articles, i.e. colour television, fridge, washing machine, scooter, music system, bed, computer and iron box. Nothing was due towards in-laws family to be handed over to complainant."

6. I am in complete concurrence with the above said findings and reasoning of the learned Additional Chief Judicial Magistrate, Kurukshetra. Learned counsel for the appellant is unable to dispute the above said findings or place anything on record before this Court to controvert the same.

It is, therefore, borne out from the record that it was the appellant who had sought divorce from the respondent's son and not the other way around. The appellant therefore, clearly, attempted to mislead the Court. From the above findings, it is also clear that the allegations made

by the appellant against the respondent cannot be true as, it is correct, and it does not stand to reason that if the respondent was indeed molesting and criminally intimidating the appellant, then why would she leave her daughters with the respondent. Learned Counsel for the appellant is unable to give any explanation for this.

7. Accordingly, present appeal stands **dismissed**.
8. Pending application(s) if any also stand(s) disposed of.

18.08.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No