

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

206

CRM-M-9707-2020

Date of Decision: 17.03.2023

Tamana

...Petitioner

Versus

Navinder @ Sonu Munjal

...Respondent

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Aditya Sandhi, Advocate for the petitioner

Mr. Dilpreet Singh Gandhi, Advocate for the respondent

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner through instant petition under Section 482 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking setting aside of order dated 12.02.2020 whereby Additional Sessions Judge, Fatehabad has directed the Principal of Daffodials Public School, Fatehabad to file affidavit explaining under what circumstances boy has been attending classes by going to school by school bus without admission. The Revisionary Court has further directed the petitioner to file an affidavit whether boy is her son or not.

2. Learned counsel for the petitioner, *inter alia* contends that grievance of the petitioner is that Revisionary Court travelling beyond the pleadings has directed DNA Test of the boy. DNA Test cannot be conducted in a routine and mechanical manner. In support of his contention, he relies upon a recent a two Judge bench judgment of Hon'ble Supreme Court in *Aparna Ajinkya Firodia Versus Ajinkya Arun Firodia*; **2023 SCC OnLine SC 161.**

3. Learned counsel for the respondent submits that by impugned order, the petitioner at the first instance has been asked to file her affidavit and DNA Test would be conducted if she fails to file her affidavit.

4. I have heard the arguments of learned counsel for the parties and perused the record.

5. Without going into merits of the controversy, the petitioner is directed to comply with direction of Revisionary Court qua filing of her affidavit. The DNA Test would not be conducted at the first instance, however, parties would be at liberty to address the arguments on the question of DNA Test and Trial Court, as duty bound, would decide question of DNA Test after considering prevailing law and recent judgments.

Disposed of in aforesaid terms.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)  
JUDGE

17.03.2023  
Mohit Kumar

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |