

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

107

CRM-M-25767-2023

Date of Decision: 29.05.2023

Harpreet Kaur

..... Petitioner

Versus

Ratandeep Singh Ahuja

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Rahul Vohra, Advocate, for
Mr. Aditya Jain, Advocate
for the petitioner.

SANJEEV PRAKASH SHARMA, J (ORAL)

This is a petition filed under Section 340 read with Section 482 Cr.P.C. for issuance of appropriate directions for initiating of the perjury proceedings against the respondent for alleged misconduct of having committed perjury before this Court wherein a judgment was delivered by Division Bench of this Court in FAO-M-182-2017, decided on 11.10.2022.

Learned counsel for the petitioner submits that the respondent-husband who was the appellant before this Court, has placed wrong facts which were contrary to the record which has resulted in the over-turning of the judgment of the trial Court by the Division Bench. For the said purpose, he was asked to show from the Court's order as to what are the facts which have been wrongly mentioned by the concerned respondent who was the appellant before the Court.

Learned counsel for the petitioner has taken this Court to page 11 of the judgment in point No.3 and point No.10, to submit that the charges

under Section 377 which was never dropped but additional charges were framed subsequently. In this manner, he says that wrong facts were placed by the husband-appellant before the Division Bench.

This Court has heard learned counsel for the petition and has perused the paper book.

This Court finds that the Division Bench has curled out the facts after perusal of the record and listing them point wise in the judgment based on the said record. It proceeded to decide the case and so far as the contentions raised by the appellant are concerned, the same have been recorded by the Division Bench of this Court in the initial paras and after recording the statement and facts mentioned by the appellant, the contentions of the respondent (present petitioner) has also been recorded.

From the perusal of the said submissions recorded by the Court, this Court finds that there is no mentioning about the case under Section 377 IPC. The Division Bench for its own examined the aspect regarding the allegations under Section 377 IPC and also took into consideration various exhibits, it also noticed that the trial Court had mentioned about no charge against the appellant having been framed by the Judicial Magistrate Ist Class, Patiala under Section 377 IPC which has been also looked into by the Division Bench. However, this Court is satisfied that at no stage in the judgment, the Division Bench has relied upon any of the statement of the appellant to reach to a conclusion but has decided the case purely on the basis of the record available before it. The contention of the petitioner, therefore, is found to be wholly misleading and false. It appears that the petitioner has already filed an appeal against the order passed by the Division Bench of this Court to the Supreme Court in SLP No.6436 of 2020, there is no concealment found to have been made by the respondent-

husband.

Taking into consideration the overall facts and circumstances of the case, this petition is found to be wholly frivolous and deserves to be dismissed.

Accordingly, the petition is dismissed.

29.05.2023
D.Bansal

(SANJEEV PRAKASH SHARMA)
JUDGE

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