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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19460-2024 (O&M)
Date of decision: 01.05.2024

Janki Dass

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Kumar Bokolia, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 340 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') read with Section 195 Cr.P.C. for conducting enquiry and for prosecution of respondent No.2 for committing cognizable offence of submitting false information and affidavit before this Court, in TA No.1392 of 2023.
2. Learned counsel for the petitioner, *inter alia*, contends that respondent No.2 approached this Court seeking transfer of a petition under Section 13 of the Hindu Marriage Act, 1955 and the petition under Sections 7 & 25 of the Guardians and Wards Act. It is further contended that respondent No.2 misrepresented before this Court and obtained favourable order in a

clever manner. Learned counsel for the petitioner further submits that annexures attached with the present petition clearly indicates that on 20.10.2023, when this Court allowed TA-1392-2023, filed for transfer of aforementioned petitions, respondent No.2 was living at Sunam, whereas she claimed herself to be living at Ludhiana. In this regard, learned counsel for the petitioner has relied upon the School Certificate of daughter of the petitioner and photographs of his daughter and respondent No.2 and a certificate issued by Municipal Councillor, Sunam. Even the summons were duly served upon respondent No.2 at Sunam, which is evident from the delivery report of the summons (Annexure P-7).

3. Having heard learned counsel for the petitioner and after perusing the record of the case with his able assistance, this Court finds no force in the arguments advanced by learned counsel for the petitioner.

4. A perusal of Annexure P-3 indicates that Municipal Councillor, Sunam has issued a certificate to the effect that he knows respondent No.2 personally since July, 2023 and further, school certificate is of 03.10.2023. Photographs attached with the present petition do not indicate in any manner that these are of Ludhiana or Sunam. Further, delivery report of the summons (Annexure P-7) indicates that these were served on 10.10.2023. However, transfer application i.e. TA-1392-2023 was filed on 16.10.2023 and it was allowed on 20.10.2023.

5. Keeping in view the facts and circumstances of the case, finding

no merit, present petition is dismissed being bereft of any merit.

01.05.2024
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[HARPREET SINGH BRAR]
JUDGE

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