

CRM-M-7316-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7316-2024
Reserved on: 10.07.2025
Pronounced on: 31.07.2025

Gurmeet Kaur Babrah

...Petitioner

Versus

Gagandeep Singh Bhullar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rahul Bhargava, Advocate and
Mr. Avijit Singh, Advocate
for the petitioner.

Mr. Simranjeet Singh, Advocate
for the respondent.

ANOOP CHITKARA, J.

1. Seeking initiation of an inquiry and appropriate directions and also for initiation of penal proceedings against the respondent, for willfully submitting a false affidavit in appeal bearing number FAO-M-35-2023, arising out of proceedings under Section 24 of Hindu Marriage Act, the petitioner (wife) had come up before this court under Section 482 read with 340 of CrPC against her husband (respondent herein).

2. The petitioners counsel argued that their grievance is that vide Annexure P2, which is an order passed by Additional District Judge, Chandigarh, in an application under Section 24 of Hindu Marriage Act, a maintenance of Rs. 20,000/- per month was awarded, in favour of the petitioner (applicant therein), to be paid by respondent-Gagandeep Singh Bhullar. Further, cost was also directed to be paid as litigation expenditure.

3. Aggrieved by the said order, the respondent-Gagandeep Singh Bhullar filed an appeal i.e. FAO No.35 of 2023 in this court. In the said appeal, he concealed his earning capacity, his income to deprive the petitioner and her child of lawful share and misled the Court by filing an affidavit that no maintenance amount was outstanding and he was complying with the order which was factually incorrect, contrary to law and the factual situation. Petitioner's counsel further submits that although in the affidavit, the respondent had stated that entire amount was paid but he had only paid a sum of Rs.1,30,000/- out of the total due amount of Rs.5,80,000/- on that day. Thus. she came up before this court to proceed for perjury.

4. Counsel for the respondent submitted that no concealment was done because what was mentioned was based upon an application filed under Section 125 CrPC, by Gurmeet

Kaur, seeking maintenance for Rs.6000/- for herself and Rs.3,000/- for her child, which was assessed by learned Judicial Magistrate First Class, Chandigarh, whereas, as per affidavit of the respondent, his income was correctly mentioned. Counsel for the respondent submits that there was no concealment of the factum of the order of JMFC, Chandigarh. Counsel further submits that the words 'paying the maintenance' mentioned by the respondent were misconstrued by the petitioner by presuming that the maintenance has been paid. Counsel further submits that they have already paid more than Rs.2,00,000/- and undertakes to pay as per the directions of the courts and do not want to deprive the child of the lawful rights and now they do not want to violate any of the directions of any court and seeks dismissal of the present petition.

5. An analysis of the arguments and the counter arguments clearly point out that a matrimonial chord has entangled to such an extent that now they want to tangle this Court also in it.

6. The purpose and objective of Section 340 CrPC are to ensure that the parties before the court do not take incorrect, contrary/factually incorrect stands. In the present case, there is no doubt that the respondent-husband had used the words 'paying the maintenance', but certainly, even though now in the court is stated that they would continue to abide by all the Courts and continue to pay the maintenance and the words 'paying the maintenance' should not be taken as 'all the maintenance has been paid'. Without entering into this controversy, there does not appear to be any malafide intention or otherwise any attempt by the respondent to mislead the court for the reason that the petitioner was more vigilant than her husband and husband would know that in case he tries to play any trick, he would be caught. Thus, in the entirety of facts and circumstances, this Court does not deem it appropriate to further complicate the disputes between husband and wife by initiating another inquiry.

7. Given above, the petition is dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

31.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.