

Tarun vs Manoj Kumar on 13 October, 2011

Author: Kanwaljit Singh Ahluwalia

Bench: Kanwaljit Singh Ahluwalia

Criminal Misc. No. M-8928 of 2010

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In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-8928 of 2010

Date of Decision: 13.10.2011

Tarun

... Petitioner

Versus

Manoj Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA.

Present: Mr. Gorav Kathuria, Advocate
for the petitioner.

Kanwaljit Singh Ahluwalia, J. (Oral)

The present petition has been filed under Section 340 Cr.P.C. read with Section 482 Cr.P.C. praying for prosecuting the respondent for having submitted false and fabricated documents in the proceedings before this Court in Criminal Misc. No. M-1744 of 2010. It is stated that Natasha, sister of the petitioner, had married respondent. Furthermore, Natasha Singh now Natasha Kumar, along with the respondent, has filed a petition under Section 482 Cr.P.C. seeking direction to the Senior Superintendent of Police, Faridabad and the Station House Officer, Police Station Ballabgarh, District Faridabad, that they be not harassed and respondents No.4 to 9 therein, including the petitioner, who was impleaded as respondent No.8, should not interfere in their peaceful married life. Learned counsel for the petitioner submits that in Criminal Misc. No. M-1744 of 2010 the wrong averments were made by the petitioners therein regarding their dates of birth. Thus, they have committed an offence by filing false affidavits in this Court.

For the alleged false averments, made in Criminal Misc. No. 1744-M of 2010, the petitioner intended to prosecute the respondent, who is husband of her sister Natasha. A perusal of the said petition reveals that Natasha, sister of the petitioner, was arrayed as petitioner No.1 therein, but she has not been impleaded as a party in the present petition.

The legislation in its wisdom has specifically laid a bar under Section 195 Cr.P.C. not to prosecute each and every litigant. The offence, if any, has been committed against the Court. It is a common knowledge that the litigants do make wrong statements in the Court proceedings. For each and every wrong statement, each litigant cannot be prosecuted. The Court shall prosecute and punish such a litigant, when its conscience is pricked. However, the powers of the Court cannot be used for settlement of personal revenge or vengeance. To maintain majesty of law, it is necessary that in each and every complaint, the prosecution is not initiated and the Courts are not flooded with such kind of litigation.

In view of the above, no directions are called for and the present petition is disposed of.

(Kanwaljit Singh Ahluwalia) Judge October 13, 2011 "DK"