

Tani Vs. State and anr.

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Court : Delhi

Decided On : Sep-23-2011

Judge : Pradeep Nandrajog, J.

Acts : Indian Penal Code (IPC) - Sections 498A, 406, 420, 465, 467, 468, 471

Appeal No. : CRL.M.C. 2160/2010

Appellant : Tani

Respondent : State and anr.

Advocate for Def. : Mr.Harsh Prabhakar; Mr.Naresh C.Sharma, Adv.

Advocate for Pet/Ap. : Mr.Sumit Tyagi, Adv.

Judgement :

1. Petitioner got married to Sandeep Arora and the two fell apart.
2. Petitioner lodged a complaint with the police for alleged offences under Section 498A/406 IPC against her husband and his family members pursuant where to an FIR stands registered. The family is facing trial.
3. Retaliation was expected. Indeed it was.
4. Sandeep Arora passed on information which obviously, he gathered about the petitioner, when they were married. Pursuant to a complaint filed by him the

petitioner has been summoned to face trial for offences punishable under Section 420/465/467/468/471 IPC.

5. The incriminating evidence relied upon is an alleged birth certificate pertaining to the petitioner as per which her date of birth is 18.7.1975; which date of birth is recorded in the school record in which petitioner studied and was the date notified to CBSE when Roll No.6336921 was issued in the name of the petitioner. She failed in the examination.

6. The contrary date of birth was disclosed by the petitioner when she took admission in Class-X in a school in Punjab as per an affidavit filed by her father in which he disclosed petitioner's date of birth to be 18.7.1977; and it appears that the father of the petitioner did so to cover up one year lost when she failed at the CBSE Class-X examination.

7. Two pan cards have been obtained by the petitioner. One bearing No.AEAPC4673B records her date of birth to be 18.7.1975. The second pan card No.AERPC9691N records her date of birth to be 18.7.1977.

8. At the pre-summoning evidence, apart from the complainant, 6 other witnesses, all of whom are government officials, were examined and the same shows that the petitioner is leading a life under 2 identities and sometimes relies upon Pan Card No.AEAPC4673B and sometimes on the Pan Card No. AERPC9691N.

9. Petitioner's maiden name was Tani Chopra and as per municipal certificate Ex.CW-4/A, a female child was born to Mr.M.M.Chopra and Mrs.Santosh Chopra i.e. parents of the petitioner on 18.7.1975.

10. It is apparent that there is sufficient evidence to proceed against the petitioner, and her plea that the complaint lodged by her husband is a counterblast to the FIR which she has got registered against her husband is neither here nor there for the reason when all was well, petitioner and her husband may be happy with the dual fictitious entity created by the petitioner. As she has a right to assert that her husband has committed offence punishable under Section 498A/406 IPC, her husband has an equal right to bring out as afore-noted.

11. Indeed, obtaining two Pan Cards and living a dual life is a serious offence even against the State.

12. I see no reason to quash the summoning order or the proceedings before the learned Trial Judge and thus dismiss the petition.

13. No costs.

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