
(2019) 09 P&H CK 0071

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 36653 Of 2019

Varun Sheokand

APPELLANT

Vs

State Of Haryana And Ors.

RESPONDENT

Date of Decision : 10-09-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 09 P&H CK 0071

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : Maninder Arora

Final Decision : Dismissed

Judgement

Mahabir Singh Sindhu, J

Prayer in this petition Section 482 Cr.P.C. is for directing official respondents No.1 to 4 to take legal action against respondent No.5 for concealing the material facts while contesting the election of Member of Legislative Assembly (for short 'MLA') from Ballabhgarh constituency88, Faridabad.

Learned counsel for the petitioner contends that respondent No.5 has contested the election as Member of Legislative Assembly from Ballabhgarh by filing a false affidavit and furnished wrong details of assets and liabilities at the time of filing nomination papers and thus an FIR be registered against him. Further contends that he has concealed the material facts from the Election Commission as he declared two different qualifications at the time of nomination.

Heard learned counsel for the petitioner and perused the paper book.

It transpires that respondent No.5 contested the elections from Constituency 88, Ballabhgarh as a candidate of Bhartiya Janta Party during election held on 15.10.2014 and he was declared elected. Paper book also reveals that respondent No.5 has filed a suit for damages to the tune of Rs.2 crores against

the petitioner for maligning his reputation, while circulating some whatsapp and facebook messages to the general public in social media and suit is stated to be pending. Concededly, no action was taken by the petitioner at the relevant point of time for challenging the elections of respondent No.5, under the relevant provisions of law and he has almost completed his entire tenure of five years. Thus, the present petition has been filed just to aggrandize his personal vendetta and nothing to do with the purity of election of respondent No.5. Had there been any substance in the allegations of the petitioner, then he ought to have taken the requisite steps within the prescribed period of limitation to challenge his elections at the relevant point of time. Even the next elections are due within a couple of days, therefore, just to gain the cheap popularity in the general public, the present petition has been filed by the petitioner. Thus, in the opinion of this Court, this petition is nothing but can be termed as misuse of the process of Court and such litigant (s) deserve to be dealt with heavy hands.

Consequently, this Court does not find any merit in the present petition and the same is dismissed with costs of Rs.50,000/ to be deposited by the petitioner with High Court Legal Services Authority, within a period of three months from today.