

CRM-M-15172 of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-15172 of 2015
Date of decision: 08.05.2015

Namita and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. M.S. Kathuria, Advocate, for the petitioners.

PARAMJEET SINGH, J. (ORAL)

Instant petition under Section 482 of the Code of Criminal Procedure has been filed seeking protection of life and liberty of the petitioners from respondents No.4 to 6. The petitioners assert that they are major. The date of birth of petitioner No.1 is 22.11.1978 and of petitioner No.2 is 20.03.1987. As there is no legal impediment, they have got married.

Petitioner No.1, who is present in Court, states that her parents, respondents No.4 and 5 are residing in the United States of America. Right now they are not in India. Petitioner No.1 has shown her passport to this Court, photocopies of relevant pages of which are

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taken on record. Perusal of passport shows that petitioner No.1 came to India earlier on 24.04.2015 and returned back to USA on 26.04.2015. Thereafter she came to India on 03.05.2015. It appears that there is no apprehension of danger to life and liberty of petitioners from the respondents as parents of petitioner No.1 are residing abroad. So far as respondent No.6 is concerned, it is alleged that he is the uncle of petitioner No.1, which does not appear to be correct as name of grandfather of petitioner No.1 is Mohan Lal whereas father's name of respondent No.6 Lakhwinder Singh is mentioned as Mohinder Singh. Even on asking of this Court, petitioners have failed to establish any relationship between petitioner No.1 and respondent No.6. Petitioner No.1 claims to be an educated lady, whereas petitioner No.2 studied upto 9th class. There is also age difference. Petitioner No.1 is 37 years old and petitioner No.2 is 28 years of age. Petitioner No.1 stated that they came in contact through internet. On the asking of the Court, petitioner No.2 stated that he does not know English nor can operate internet. The submission of petitioner No.1 that it is her first marriage also does not appear to be trustworthy.

Only contention raised by learned counsel for the petitioners is that there is no age-bar for marriage. This Court is not commenting on the marriage of the petitioners or the age difference between the petitioners nor the Court gives its seal to validity of marriage. Only issue before this Court is to determine whether petitioners are entitled to

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protection/security having genuine apprehension of danger to their life and liberty. Since the parents of petitioners i.e. respondents No.4 and 5 are residing abroad, there is no question of any danger to the life and liberty of petitioners from respondents No.4 and 5. The economic slowdown in the West is prompting boys and girls of Indian origin settled in USA and Canada to take to route of sham marriages. The NRIs are taking full advantage of Punjabis' craze for greener pastures and are ripping off them for lakhs of Rupees. The gangs of such persons dupe innocent people on the pretext of sending them abroad on the basis of sham marriage. The second visit of petitioner No.1 within few days raises doubt in the mind of the Court. It appears that petitioner No.1 by way of unwritten contract is entering into fake marriage to hoodwink immigration officials. In such cases huge amount of money exchanges hands to send a boy abroad. It appears that this petition has been filed to get a finding with regard to validity of marriage to use it for any other purpose, including getting of visa to petitioner No.2 for going abroad. The averments made in the petition, which are supported by affidavits, are factually incorrect as petitioner No.1 herself has stated in the Court that her parents are residing in USA. When the person does not come to the Court with clean hands and conceals material facts, it is clear case of misuse of process of law rather amounts to playing fraud with the Court and is also wastage of time of the Court, which is public time.

In these circumstances, petition is dismissed with costs of

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₹ 5,000/- to be deposited with the State Legal Services Authority, Punjab within 15 days from today. In case the costs are not deposited, same shall be recovered from the petitioners as arrears of land revenue.

(Paramjeet Singh)
Judge

May 08, 2015
R.S.