

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

**Criminal Misc. No. M-31865 of 2015
Date of decision: 17.09.2015**

Kuldeep Singh and another ..Petitioners

Versus

The State of Punjab and others ..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. L.S. Lakhanpal, Advocate
for the petitioners.

Daya Chaudhary, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for issuance of direction to respondents No.2 and 3 to provide protection to life and liberty of the petitioners as they have solemnized their marriage contrary to the wishes of private respondents and are apprehending threat at their instance.

Learned counsel for the petitioners submits that both the petitioners are major and an affidavit has been placed on record to show that date of birth of petitioner No.2 is more than 18 years.

While issuing notice of motion, Mr. Sukhdev Singh, Advocate, appears on behalf of respondents No.4 to 6 and has brought to the notice of this Court three documents i.e., Birth Certificate, copy of Aadhar Card and copy of certificate issued by the School wherein date of birth of petitioner No.2 has been reflected as

02.09.1998 and in the petition, it has been mentioned as 05.01.1997. It has also been brought to the notice of this Court that FIR No.167 dated 15.09.2015 has been registered under Sections 363 and 366-A IPC at Police Station Sadar Samana.

Neither the correct date of birth nor the factum of lodging of FIR has been mentioned in the petition. Petitioner No.2 has been shown to be major whereas admittedly, she is less than 18 years of age. A query has been put to learned counsel appearing for the petitioners as to how this petition has been filed by minor. Learned counsel for the petitioner submits that by believing the version of the petitioners, an affidavit has been filed in support of age of petitioner No.2 whereas there is no other document regarding date of birth.

Not only the misrepresentation with regard to date of birth is there but concealment of material facts is also there by not mentioning the factum of lodging of FIR against petitioner No.1.

The present petition is liable to be dismissed on the ground of misrepresentation or concealment of material facts and the petitioners are not entitled for discretionary relief under Section 482 Cr.P.C. as not only they have concealed the material facts but all efforts have also been made to mislead the Court as well.

Dismissed.

However, respondent No.3-Station House Officer, Police Station Pasiona, District Patiala is directed to ensure the protection of petitioner No.2.

17.09.2015

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(DAYA CHAUDHARY)
JUDGE