

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

CRM No.M-12453 of 2017 (O&M)

Date of Decision: July 12, 2017

Ali Mohd.

...Petitioner

VERSUS

Sakunat and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Munfaid Khan, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. read with Section 340 and 195 Cr.P.C. for initiating appropriate action/proceedings against the respondents/accused persons for deliberately, intentionally and willfully misleading this Court, abusing the process of law and making wrong and false statements/affidavit etc.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that, earlier respondents of this case, approached to this Court vide CRM No.M-45765 of 2016 for protection by stating that they are major and there is no legal impediment to their marriage and their marriage is opposed by respondents of that case.

In CRM No.M-45765 of 2016, this Court had passed following

“XXX XX XX XXX

Without expressing any opinion with regard to validity of marriage and on the merits of the assertions made in the petition, the instant petition is disposed of with the direction to respondent No.2-Superintendent of Police, Mewat to take necessary action on the representation dated 03.11.2016 (Annexure P-5) moved by the petitioners and provide necessary protection to the petitioners in accordance with law in case he is satisfied that the life and liberty of the petitioners is threatened at the hands of respondent Nos. 4 to 12.”

The perusal of the above order shows that this Court has not given any finding regarding the validity of the marriage regarding age of the petitioners. Only for the purpose of protection of life and liberty, Superintendent of Police, Mewat was directed to look into the representation given by Sakunat and Sazid.

Learned counsel for the petitioner argued that at that time, when the petition for protection was filed, Sakunat was minor. As already discussed, even if it is taken that wrong date of birth has been mentioned in the affidavit sworn by Sakunat in the petition but that averment has not been taken into consideration while passing the order dated 21.12.2016 in CRM No.M-45765 of 2016 and that mis-representation has not influenced the order passed by this Court.

It is settled law that in each and every case, where any fact is stated wrongly, there is no need for the Court to proceed under Section 340 Cr.P.C. The Court may proceed only in those cases, where mis-representation has influenced the order of the Court on material facts, which means that if that mis-representation would not have been there, then the Court could not have passed that order, which it has passed.

In view of the above discussion, I find that no ground is made

out for initiating proceedings under Section 340 Cr.P.C. against the respondents.

Therefore, finding no merit in the present petition, the same is dismissed.

July 12, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes

No