

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-13941 of 2017

.....

Date of decision:27.4.2017

Gulab Singh

...Petitioner

v.

State of Haryana and others

...Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sunil Sharma, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 340 Cr.P.C. read with Section 482 Cr.P.C. praying to take appropriate legal action against respondents No.4 and 5 for swearing false affidavit in Criminal Misc. No.M-44906 of 2016 and deliberately giving wrong information to misguide this Court for getting a favourable order. It has also been prayed that the life and liberty of the petitioner and respondents No.6 and 7 be protected from the hand of Police officials of Police Station Ishrana, District Panipat and also from the hand of the family members of respondent No.4.

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

From the record, I find that a petition was filed before this

Court for protecting the life and liberty of the petitioners in that petition and this Court vide order 15.12.2016 without going into the validity of the marriage, disposed of that petition with direction to respondent No.2 to take appropriate remedial measure as warranted by law, on the representation dated 12.12.2016 submitted by the petitioners and in the meantime, necessary order be passed to ensure that no harm is caused to the life and liberty of the petitioners in that petition at the hands of respondents No.4 to 6. The Court had not determined any fact regarding the validity of the marriage regarding the age of the parties or any other fact of marriage. The Court simply asked the competent authority to consider the representation and take remedial measures to protect the life of the petitioners in that case. Therefore, in no way, it can be held that this Court was misguided by any wrong information etc. It is settled law that it is not necessary to initiate proceedings in each and every case by stating any wrong person has given wrong information or filed wrong affidavit qua any fact. It is for the Court to see in which case the Court has been misrepresented on material fact and its decision has been based on those material facts and further the Court is to see in which case it requires initiation of legal action or to order inquiry under Section 340 Cr.P.C. etc.

In the facts and circumstances of the present case, I do not find any ground to take legal action against respondents No.4 and 5. Further from a perusal of the record shows that no ground is made for providing any security to the present petitioner as he is unable to show any serious threat to his life and liberty.

[3]

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

April 27, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No