

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-14117 of 2017

.....

Date of decision:27.4.2017

Gaurav Sharma

...Petitioner

v.

State of Punjab and another

...Respondents

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

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**Present:** Mr. Rahul Bhargava, Advocate for the petitioner.

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**Inderjit Singh, J.**

The petitioner has filed this petition under Section 482 Cr.P.C. read with Section 340 Cr.P.C. seeking issuance of appropriate and necessary action against respondent No.2 as she wilfully has misrepresented and played fraud with this Court by presenting a wrong affidavit before this Court by concealing the factum of her first marriage.

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

From the record, I find that Mania Sharma along with Gaurav Sharma filed Criminal Misc. No.M-42403 of 2014, in this Court for seeking direction to protect their life and liberty. The present petitioner was also a petitioner in that case when the petitioner and private-respondent filed joint petition for protection. It has not been shown to me that any finding had been given in that petition regarding the validity of the marriage etc. It is

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not necessary that in each and every case inquiry should be conducted under Section 340 Cr.P.C. for lodging the complaint or taking action. When the Court has not determined any fact qua the age of the private respondent on the basis of that affidavit, in my view, there is no necessity to take action or to initiate proceedings under Section 340 Cr.P.C.

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

April 27, 2017.

**(Inderjit Singh)**  
**Judge**

\*hsp\*

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| <b>NOTE:</b> | Whether speaking/reasoned: | Yes |
|              | Whether reportable:        | No  |