

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

CRM No.M-27046 of 2017 (O&M)

Date of Decision: July 31, 2017

Sandeep

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 340 read with Section 482 Cr.P.C. for initiating proceedings against respondents No.2 to 4, especially respondent No.3 namely Suman for committing the offence punishable under appropriate Sections for misguiding, concealing, misrepresenting this Court during the proceedings in CRM No.M-24250 of 2017 in order to get favourable order dated 11.07.2017 from this Court.

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

From the record, I find that, earlier respondents No.2 and 3 of this case, approached to this Court vide CRM No.M-24250 of 2017 for protection by stating that they being major have solemnized marriage with own consent in accordance with law and the private respondents are not

accepting their marriage and extending threats to them.

In CRM No.M-24250 of 2017, this Court had passed following order:-

“XXX XX XX XXX

Without going into the validity of the marriage, the present petitioner is disposed of with the directions to the petitioners to contact respondents No.2 and 3, who after their satisfaction that the petitioners are actually facing threats, shall take necessary steps to protect the life and liberty of the petitioners from private respondents No.4 to 8, as per law. ”

The perusal of the above order shows that this Court has not given any finding regarding the validity of the marriage. Only for the purpose of protection of life and liberty, Superintendent of Police, Hisar was directed to protect the life and liberty of the petitioners after his satisfaction that they are actually facing threats.

Learned counsel for the petitioner argued that at that time, when the petition for protection was filed, Suman was already married. As already discussed, even if it is taken that Suman was already married but this fact has not been taken into consideration/dealt with while passing the order dated 11.07.2017 in CRM No.M-24250 of 2017 and that misrepresentation 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 misrepresentation 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 would not have passed that order, which it has passed.

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

respondents.

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

July 31, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No