

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3172-2015

Date of Decision:- 12.05.2017

Seema

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

None for respondent Nos.5 and 6.

RITU BAHRI, J. (Oral)

Petitioner is seeking directions to take action against respondent Nos.5 and 6 under Section 340 read with Section 482 Cr.P.C. for filing the wrong affidavit in this Court.

In the present case daughter of the petitioner, namely, Priyanka (respondent No.5) had solemnized marriage with Raman Kumar (respondent No.6) against the wishes of their parents on 12.01.2015. After solemnization of marriage, both of them had approached this Court by way of CRM-M-1334-2015 for seeking protection and the same had been granted to them, vide order dated 14.01.2015. In the said petition, an affidavit was filed by

Priyanka that her date of birth is 02.09.1995 whereas as per the case of the

present petitioner the date of birth of her daughter Priyanka is 02.09.1997 and she was 17 years and 4 months when she has solemnized marriage with respondent No.6.

On notice, respondent Nos.5 and 6 have been served but neither they have not chosen to file the reply nor the State has filed the reply till date and this petition is pending since 2015 for the said purpose.

Reference at this stage can now be made to a judgment of Supreme Court in case N. Natarajan Vs. B.K. Subba Rao, 2003 AIR (SC) 541 whereby in paragraph No.9 the Court has held as under:-

“In our view it is not necessary to pursue the approach of either of the party. It is well settled that in criminal law that a complaint can be lodged by anyone who has become aware of a crime having been committed and thereby set the law into motion. In respect of offences adverted to in Section 195 Cr.PC, there is a restriction that the same cannot be entertained unless a complaint is made by a court because the offence is stated to have been committed in relation to the proceedings in that court. Section 340 CrPC is invoked to get over the bar imposed under Section 195 Cr.PC. In ordinary crimes not adverted to under Section 195 Cr.PC, if in respect of any offence, law can be set into motion by any citizen of this country, we fail to see how any citizen of this country cannot approach even under Section 340 Cr.PC. For that matter, the wordings of Section 340 Cr.PC are significant. The Court will have to act in the interest of justice on a complaint or otherwise. Assuming that the complaint may have to be made at the instance of a party having an interest in the matter, still the court can take action in the matter otherwise than on a complaint, that is, when it has received information as to a crime having been committed covered by the said provision. Therefore, it is wholly unnecessary to examine this aspect of the matter. We proceed on the basis that the respondent has locus standi to present the complaint before the Designated Judge.”

Keeping in view the fact that the daughter of petitioner (respondent No.5) and respondent No.6 are young persons and had solemnized marriage against the wishes of their parents on 12.01.2015 and

in view of the guidelines laid down by the Supreme Court in above-said judgment, no ground for issuance of direction is made out and the present petition, filed by the petitioner is accordingly hereby dismissed.

May 12, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No