

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

**Criminal Misc. No.M-34461 of 2014 (O&M)
Date of Decision: October 31, 2017**

Manjit Singh

.....PETITIONER(s).

VERSUS

State of Punjab and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Baltej Singh Sidhu, Advocate
for the petitioner (s).

Mr. C.L. Pawar, Sr. D.A.G., Punjab.

Ms. Ashima Mor, A.P.P.
for respondent No.2.

Mr. Amit Arora, Advocate
for respondent No.3.

SURINDER GUPTA, J.

This is petition under Section 482 read with Section 340 and 198 Code of Criminal Procedure (for short-Cr.P.C.) for seeking direction for an inquiry and registration of criminal case against respondent No.3 for submitting a false affidavit in petition CRM-M-31626 of 2014.

Learned counsel for the petitioner submits that respondent No.3 and Amandeep Kaur daughter of petitioner filed petition before this court seeking protection to their lives and liberty alleging therein that they had married against the wishes of petitioner and his other relatives and they were posing threats to their lives and liberty. An affidavit in that case was

filed that this was first marriage of petitioners No.1 and 2 (now respondent No.3) and previously both were unmarried. The petitioner appeared in that petition and submitted before this court that petitioner No.2 had misrepresented the facts as he was already married and had a child. Ultimately that petition was withdrawn which show that respondent No.3 had filed a false affidavit.

Learned counsel for respondent No.3 submits that no affidavit was filed by respondent No.3 in petition CRM-M-31626 of 2014. That petition was withdrawn after the petitioner and his wife had a talk with their daughter and not for the reason as mentioned by learned counsel for the petitioner. Firstly, respondent No.3 had not filed any affidavit in that petition and secondly, no evidence was produced by the petitioner that respondent No.3 was already married and had a child.

I have perused the file of CRM-M-31626 of 2014 and find that though it was alleged in that petition that it was first marriage of both the petitioners and previously both were unmarried, affidavit in support of petition was filed by Amandeep Kaur, daughter of petitioner and not by respondent No.3. On inquiry, counsel for petitioner has apprised that the marriage of daughter of petitioner with respondent No.3 was dissolved and now his daughter is married somewhere else.

The contention of learned counsel for the petitioner, if believed, will call for taking a similar action against Amandeep Kaur, which may not be to the liking of the petitioner as she was a party to the averment that it was the first marriage of both the petitioners and both were earlier unmarried.

The petition CRM-M-31626 of 2014 was taken up and disposed of on 12.09.2014 and the order passed therein reads as follows:-

“Learned counsel for respondents No.6 & 7 states that petitioner No.2 is married and has a child and there is misrepresentation of facts.

The affidavit of the petitioner No.2 has not been filed, who was asked to file the same.

The parents have spoken to their daughter for some time.

The learned counsel for the petitioners now seeks permission to withdraw the present petition.

Dismissed as withdrawn.”

Perusal of the order shows that though this plea was raised that the respondent No.3 was married and had a child but the petition appears to have not been withdrawn because of this fact. The petitioner and his wife had a talk with their daughter in Court for sometime and thereafter learned counsel for the petitioners sought permission to withdraw the petition. From withdrawal of petition, no inference can be drawn about plea raised by the petitioner before this Court regarding marital status of respondent No.3. Even in this petition, no document has been placed on file by petitioner in support of his contention that respondent No.3 was already married at the time of filing petition(CRM-M-31626-2016).

Learned counsel for the petitioner has relied on the observation of Hon'ble Apex Court in case of *M/s Sciemed Overseas Inc. Vs. BOC India Limited & Ors., 2016(1) Law Herald (S.C.) 117*, where a cost of ₹10,00,000/- was imposed by the High Court on a party for filing false and misleading affidavit in Court, which was held as justified by Hon'ble Apex

case, petitioner has not placed any evidence in support of his contention. Motive of petitioner behind this application and seeking action under Section 340 Cr.P.C. against respondent No.3 appears to gratify feeling of revenge actuated by marriage of petitioner with his daughter against his wishes than to vindicate purity of administration of justice.

As a sequel of my above discussion, I find no reason to proceed against respondent No.3 under Section 340 Cr.P.C. and the present petition is dismissed.

October 31, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***