

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-29453 of 2016 (O&M)

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Date of decision:27.03.2019

Manpreet Kaur and another

.....Petitioners

v.

State of Punjab

.....Respondent

....

Present: Mr. Pardeep Rajput, Advocate for Mr. Vipul Aggarwal,
Advocate for the petitioners.

Ms. Monika Jalota, Deputy Advocate General, Punjab for the
respondent-State.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of the impugned order dated 20.05.2016 (Annexure-P.10) passed by learned Sessions Judge, Amritsar, vide which criminal proceedings initiated under Sections 191 and 193 IPC have been initiated against the petitioners, being illegal, perverse, void and without jurisdiction.

Notice of motion was issued in this case.

Ms. Monika Jalota, learned Deputy Advocate General, Punjab has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

From the record, I find that the impugned order dated 20.5.2016 was passed by the Court of learned Sessions Judge, Amritsar. As per this order, show cause notice was served upon the petitioners as well as Shri

Satnam Singh, Granthi/President, Gurdwara Sri Himmatgarh Sahib, Town

Hall, Amritsar. Petitioner No.1-Manpreet Kaur wife of Satnam Singh daughter of Dalbir Singh and Satnam Singh son of Roor Singh have filed the petition for providing judicial shelter to them and for issuing directions to State of Punjab through Senior Superintendent of Police, Amritsar (Rural) and SHO of Police Station Mattewal, Amritsar, to ensure safety of their lives and property from the hands of respondents No.3 to 6, namely, Dalbir Singh, Gurpreet Kaur, Daljit Singh and Ranjit Singh contending that they were major. They fell in love and solemnized their marriage on 31.10.2015 at Gurdwara Sri Himmatgarh Sahib, Town Hall, Amritsar, according to Sikh rites and ritual. The parents and brothers of petitioner No.1-Manpreet Kaur, namely, Dalbir Singh, Gurpreet Kaur, Daljit Singh and Ranjit Singh were against their marriage and were giving threats of life to them, as such, they have requested that necessary protection be provided to them. They produced affidavits as well as other documents including marriage certificate dated 31.10.2015 issued by Shri Satnam Singh, President of Gurdwara Sri Himmatgarh Sahib, Town Hall, Amritsar. Since it transpired that marriage certificate produced on record by the petitioners was bearing signatures of Dalbir Singh, father of Manpreet Kaur and petitioner No.1-Manpreet Kaur made statement in the Court on 5.11.2015 that her father Dalbir Singh was not present at the time of her marriage and that she does not know as to who had appended signatures of her father, so show cause notices were served upon Manpreet Kaur and Satnam Singh. Parents and brothers of Manpreet Kaur also appeared.

The learned trial Court found that notice was also served upon

Satnam Singh Granthi, who also submitted reply stating that he got

performed marriage ceremony of Manpreet Kaur daughter of Dalbir Singh and Satnam Singh son of Roor Singh on 31.10.2015 and issued the marriage certificate on the letter head of Gurdwara Sri Himmatgarh Sahib, Town Hall, Amritsar. At the time of filling the marriage certificate, he wrote the name of father of Manpreet Kaur, namely, Dalbir Singh on the printed column left for signatures of mother/father of bride. Nobody forged the signatures of Dalbir Singh father of bride Manpreet Kaur and his name was only mentioned in the certificate to fill-up the column.

The Court below after hearing the learned counsel and perusing the replies found that as the petitioners have tried to mislead the Court by producing forged documents, so they are not entitled for any other protection. The Court also held that as per the petitioners Manpreet Kaur and Satnam Singh alongwith Satnam Singh, Granthi appeared to have committed offences under Section 191 punishable under Section 193 IPC. As such, a complaint is ordered to be sent to Chief Judicial Magistrate, Amritsar, for trying Manpreet Kaur wife of Satnam Singh, Satnam Singh son of Roor Singh and Satnam Singh, Granthi, as per law and for taking action against them. Aggrieved from this order, the present petition has been filed.

A perusal of the impugned order shows that this order has been passed as per record and law. No illegality has been committed by the learned Sessions Judge, Amritsar by passing the impugned order dated 20.5.2016. Further, I have seen photo copy of the certificate which has been placed on the record. A perusal of the certificate itself shows that it cannot be held that the name has been written only on the column. Rather, this

column was one of the columns for signatures of the husband, wife, father or mother of the husband and father or mother of the girl/bride. There was no necessity to write father's name on this side. It looks that this has been done to mislead the Court.

From the record, I find that the order as passed is as per law and not liable to be quashed. Therefore, finding no merit in this petition, the same is dismissed.

However, nothing stated above shall constitute my opinion on the merits of the case which is to be decided as per the evidence and law.

March 27, 2019.

(Inderjit Singh)
Judge

hsp

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