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

C.R.M-M No.31304 of 2018 (O&M)

Date of Decision : 09.05.2019

Kulbir Kaur and another

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Rakesh Gupta, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. K.L.Saini, Advocate
for respondent No.6.

AJAY TEWARI, J. (Oral)

CRM-44321-2018

For the reasons recorded, the application is allowed. Affidavit of Balwinder Kaur (mother in law of petitioner No.1) is taken on record.

Main case

On 06.08.2018 the following order was passed :-

“The present petition has been filed praying for the directions for protection of life and liberty of the petitioners, who have entered into matrimony against the wishes of their parents.

Notice of motion.

On asking of the Court, Mr. S.P.S. Tinna, Addl. A.G., Punjab accepts notice on behalf of respondents No.1 to 3.

At this stage, Mr. Manish Saini, Advocate has put in appearance and filed power of attorney on behalf of respondent No.6, which is taken on record.

Counsel for the petitioners seeks time to produce on record certain documents.

List on 21.08.2018.

Process qua respondents No.4, 5, 7 and 8 Dasti as well.

In the meantime, the respondent No.2 shall ensure that no harm is caused to the life and liberty of the petitioners at the hands of respondents No.4 to 8.

Counsel the petitioners is directed to hand over requisite number of copies of paper book to learned State counsel during the course of the day failing which the interim relief shall have no effect.

It is made clear that in case the petitioners fail to produce the relevant documents on the next date of hearing, the present petition would be liable to be dismissed.”

Thereafter, on 21.08.2018 the following order was passed :-

“Mr. K.L. Saini, Advocate, has put in appearance on behalf of respondents No.4 and 8 also and filed his vakalatnama, which is taken on record. He states that the petitioners have approached this Court by making false averments. In fact both the petitioners were already married.

SHO, Police Station Ramdas, District Amritsar, is directed to verify the fact and report about the status of marriage of petitioners.

Adjourned to 19.09.2018.”

After long hearing the averment made on 21.08.2018 have been proved correct because the petitioners who are present in Court have accepted that they were both earlier married, though it is their claim that their previous marriages were dissolved by way of panchayati compromise (which is no dissolution in the eye of law).

In the circumstances, it can not be denied that false averments were made in the petition. I put it to the petitioners who are present in person that for making this false statement in Court, I would not take any action but the order dated 06.08.2018 would be withdrawn. They state that respondents No.4 to 8 who are the family members of the petitioner No.1 would cause harm to them. The petitioners have expressed particular apprehension against respondent No.6. Incidentally the respondent No.6 is present in Court and had stated that though the family is distressed by the conduct of the petitioner No.1 yet he or his family members have no intention to cause any harm to the petitioners.

In view of the statement, the petition is dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

09.05.2019
pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No