

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

**CRM M-30738 of 2017
Date of Decision: August 28, 2019**

Nirmal Kaur and anotherPetitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. S.S. Gopera, Advocate
for the petitioners.

Mr. Harbir Sandhu, AAG, Punjab.

Ms. Aarti Kaur, Advocate
for respondent No.3.

FATEH DEEP SINGH, J. (Oral)

This is an application under Section 340 Cr.P.C.
moved by petitioners Nirmal Kaur and Sonu seeking
initiation of proceedings under Section 195 Cr.P.C. against
the private respondents Renu and Veer Singh for having

obtained orders dated 06.01.2017 from this Court by fraud and misrepresentation. The arguments that have come about from the petitioners' counsel failed to convince this Court how there have been giving of or fabricating of false evidence to secure an order of this Court when the orders, on the basis of which, the petitioners have come up in this petition placed on the record Annexure P-4, which is reproduced as under:-

“Without entering upon an exercise to evaluate the evidentiary value of the documents placed on the file, I dispose of this petition with directions to respondent No.2 to decide the representation of the petitioners (Annexure P/5) within a period of one month from the date of receipt of a copy of this order and grant them protection, if any threat to their life and liberty is perceived. It is made clear that this order shall

not be taken to protect the petitioners from legal action for violation of law, if any committed by them”.

and bare perusal of above reflects that while passing order, the Court did not enter upon or exercise to evaluate evidentiary value of the documents and by no means had placed reliance on the same to pass order dated 06.01.2017. Since, these documents never form basis of this order and, therefore, commission of offence under Section 195 Cr.P.C. is not foreseeable.

Finding no merit, the present petition is dismissed in *limine*.

August 28, 2019

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No