

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

CRM-M-50977-2021

Date of Decision: 31.01.2022

Kultar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Harjinder Singh, Advocate, for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

On 14.12.2021, the following order had been recorded by this
court:-

“Vide this petition, the petitioner seeks an enquiry against respondents no.4 and 5 for concealing material facts as well as for filing false affidavits in CRM-M-6353 of 2021 as alleged; and “obtaining the order dated 12.07.2021” (copy Annexure P-3).

Learned counsel for the petitioner submits that the allegation made by respondents no.4 and 5 in the petition filed by them (CRWP-6353 of 2021), seeking protection of their life and liberty at the hands of present petitioner, are wholly false, inasmuch the marriage of the petitioners in that petition (respondents no.4 and 5 herein), was in fact performed by the petitioner herein, with them never having disclosed that fact, in that petition.

It is seen that CRWP-6353 of 2021 was disposed of by this court (co-ordinate Bench) on 12.07.2021, with the following direction given:-

“Without entering upon an exercise to evaluate the evidentiary value of the documents placed on the file, I dispose of the present petition with a direction to respondent no.2- Commissioner of Police, Amritsar, to decide the representation dated 05.07.2021 (Annexure P-5) moved by the petitioners, and grant protection to them, if any threat to their life and liberty is perceived.”

Very obviously this court had not made any observation whatsoever qua the merits of the contentions raised in that petition or made any observation against the petitioners, with a direction simply issued to the Commissioner of Police, Amritsar, to decide the representation of the petitioners in that petition and to grant them protection, if any threat to their life and liberty was seen to be perceived qua them.

Upon specific query to learned counsel as to whether the petitioner has been in any manner harassed by the police or even summoned by the police pursuant to the aforesaid order passed, he has expressed his ignorance and seeks time to take instructions in that regard.

Adjourned to 22.12.2021.”

Learned counsel for the petitioner today appears and submits that in terms of the aforesaid order he has determined that the petitioner was never harassed by respondents no.2 to 3 at any stage.

However, he submits that he is still aggrieved of the contention of respondents no.4 and 5 herein, as they had made in CRWP-6353-2021, to the effect that the petitioner was threatening them on account of some property dispute (as seen from paragraph 4 of the case file of CRWP-6353-2021, which has been put up alongwith this petition).

He further submits that the in-laws of respondent no.4, i.e. his niece (wife of respondent no.5), are not allowing the petitioner to meet her.

I find no reason to entertain this petition filed under the provisions of Section 340 of the Cr.P.C., as regards any false averments made in CRWP-6353-2021, because eventually whether or not the petitioner harassed respondents no.4 and 5 herein, or whether they made false averments, would be a matter of evidence to be led in that regard before the appropriate forum, if at all the petitioner decides to pursue his legal remedies.

It is to be again reiterated that the said petition was one that had been disposed of with a direction to the Commissioner of Police to decide the representation of the petitioners therein (respondents no.4 and 5 in this petition). Therefore, unless while going into the representation, the averments made therein were found to be false by the Commissioner (with an inference therefore, prima facie, being that false averments were made before this court also in that petition), I would not see why even notice should be issued in this petition, on a *prima faice* assumption that what the petitioner herein is contending is a true allegation.

Consequently, this petition is dismissed, but with the petitioner at liberty to avail of his remedies by taking other legal recourses as available to him in law, with no comment made whatsoever by this court on the merits of the case and obviously with any other petition/civil suit etc. filed by the petitioner to be considered wholly on its own merits.

31.01.2022

dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking : Yes
Whether reportable : No