



CRM-M-8715-2024

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

CRM-M-8715-2024

Date of Decision: 09.07.2024

Simarjeet Kaur

..... Petitioner

Versus

Kuldeep Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Ajaypal Singh Sandhu, Advocate,
for the petitioner.
Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for issuance of direction to the Registrar, Punjab and High Court, Chandigarh or any other officer/authority of this Court to file complaint under Section 340 Cr.P.C. against the respondents for having committed offences under Sections 191, 192 IPC punishable under Section 193 IPC and Sections 196 to 200 IPC.

2. Learned counsel for the petitioner has submitted that the respondents had approached this Court by way of filing of CRWP-1135-2024 praying for grant of protection to their life and liberty and this Court vide order dated 07.02.2024 disposed of the same with a direction that in case, the threat to the life and liberty of the petitioners, is found to be genuine, necessary steps warranted under law be taken thereupon. It is submitted that the respondents had submitted in their petition that they were unmarried on the date of their marriage and this was first marriage of both of them, however, the same was a false averment as respondent No.2 was already married and had two children. He submits that a false statement was made before this Court and hence, the respondents deserve to be proceeded



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in accordance with the provisions of Section 340 Cr.P.C. It is submitted that filing a false affidavit by concealing the material fact amounts to the offence under Section 191, 192 IPC punishable under Section 193 IPC. He submits that offence falls under Section 195(1) Cr.P.C and hence, the Registrar of this Court be directed to lodge a complaint for the offence committed under Section 340 Cr.P.C.

3. Heard.

4. After hearing learned counsel for the petitioner and perusing the record, it is apparent that the respondents earlier approached this Court by way of filing of CRWP-1135-2024, which was disposed of by this Court vide order dated 07.02.2024. Precise submission made by counsel for the petitioner for lodging the complaint under Section 340 Cr.P.C. against the respondents is that the respondents had averred in their petition that it was their first marriage, whereas, respondent No.2 was already married.

5. Hon'ble Supreme Court in case of **Iqbal Singh Marwah and another Vs. Meenakshi Marwah and another, AIR 2005 SC 2119** has held that in view of the language used in Section 340 Cr.P.C., the Court is not bound to make a complaint regarding the commission of an offence referred to in Section 195(1)(b) Cr.P.C. as the Section is conditioned by the words 'court if of opinion that it is expedient in the interest of justice'. This shows that such a course will be adopted only if the interest of justice requires and not in every case.

6. Needless to say that respondents had approached this Court seeking protection to their life and liberty as enshrined under Article 21 of the Constitution of India. This Court vide order dated 07.02.2024 had

directed the Senior Superintendent of Police, Ferozepur to take into consideration the representation filed by the respondents and to take action accordingly in case the contention regarding threat perception is found to be genuine. However, it was clarified that the Court had not expressed anything regarding the validity of the marriage or age of the respondents and the order passed did not confer any immunity upon the respondents, in case it was found that they had committed any illegality. Thus, the contention raised by counsel for the petitioner regarding filing the complaint under Section 340 Cr.P.C., is not maintainable and hence, the present petition being devoid of any merit is hereby dismissed.

09.07.2024		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No