



CRM-M-2771-2022

1

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

285

CRM-M-2771-2022

Date of Decision: 05.03.2025

Mustak Masih

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rahul Bhargava, Advocate and
Mr. Tanveer Singh, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Sultan Singh Gill, Advocate
for respondents No.4 & 5.

ANOOP CHITKARA, J.

Seeking action against respondents No.4 & 5 for furnishing false affidavit in this Court in CRWP-9745-2021 (wherein respondent No.4 is petitioner herein) titled as Sandeep Masih and another vs. State of Punjab and others, petitioner has come up before this Court by filing the present petition under Section 340 CrPC.

2. I have heard counsel for the parties and gone through the record and its analysis would lead to the following outcome.

3. The petitioner's grievance is that while filing CRWP-9745-2021, respondents No.4 & 5 concealed the true facts qua dismissal of their earlier petition bearing number CRWP-9355-2021, filed by respondent No.4-Komal (petitioner's daughter) and respondent No.5-Sandeep, to whom Komal had married. They had come up before this Court intending to perform their marriage as per Christian rites and rituals and apprehended threat to their life at the hands of petitioner and all the allegations were false.

4. The Coordinate Bench of this Court dismissed the petition (CRWP-9355-2021) by making following observations:-

“Briefly, the facts pleaded in the writ petition are that the petitioners are major, who fell in love with each other and decided to marry, but when their love affair came to the knowledge of respondent Nos.4 to 8 (parents, brother and uncles of petitioner No.1), they opposed the same, as they wanted to preform the marriage of Komal with a boy of their own choice. As a result of that, the petition-



ers performed marriage on 25.09.2021 as per Christian rites and rituals at Church Prem Nagar, Boharwala Road, Batala against the wishes of private respondents. After their marriage, the petitioners are receiving serious threats to their life and liberty from private respondents and there is every likelihood that the private respondents would implicate the petitioners in some false case by giving a complaint to the police. In this regard, petitioners submitted a representation dated 25.09.2021 (Annexure P-5) to the Senior Superintendent of Police, Amritsar (Rural), District Amritsar. It is prayed that the petitioners be provided protection.

Learned counsel has argued that the affair of the petitioners was opposed by the private respondents and there were compelling circumstances for them to perform the marriage against their wishes. He submits that there is every likelihood that the private respondents would implicate the petitioners in some false case by giving a complaint to the police. He has invited the attention of the Court to the representation dated 25.09.2021 (Annexure P-5) and contended that till date, no protection has been provided. Learned counsel has further argued that uncle of petitioner No.1 (Komal) has threatened to commit suicide, in case, she would not return home. He prays for issuance of necessary directions.

After hearing the learned counsel, this Court finds that the averments contained in the petition do not contain material particulars, much less the alleged manner and mode of threat extended to the petitioners. The petitioners have expressed an apprehension that the private respondents may falsely implicate them in some criminal case, but in the considered opinion of this Court, this apprehension is misplaced, as admittedly, no complaint has been made so far against them by the private respondents. Admittedly, the uncle of petitioner No.1, who is allegedly threatening to commit suicide, has not been made a party in this case and strangely, this does not amount to threat to the life of petitioners. Apart from the above, even if it is assumed that a complaint is given to the police by any of the private respondents against the petitioners, then it cannot be construed as threat to their life and liberty, as private respondents are also free to avail their remedy in law in case, they feel that some offence has been committed against them.

Resultantly, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction.

Dismissed."

5. Perusal of the above order reveals that petition was dismissed on merits. After that, the petitioner concealed the dismissal of the previous order and filed another writ petition bearing number CRWP-9745-2021 by deliberately making second petitioner in the earlier writ petition as a first petitioner. Copy of the said petition is annexed herewith as Annexure P-3. Subsequently, in the said petition, petitioners also annexed the



marriage certificate, as per which the marriage was performed as per Sikh rites and ceremonies and certificate to that effect was given by Gurudwara Amar Sahid Baba Jivan Singh Ji, on dated 25.09.2021.

5. On 10.11.2021, this Court had passed the following order in CRWP-9745-2021:-

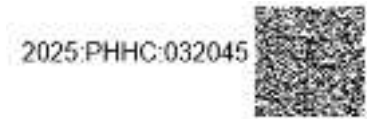
“Learned counsel for respondent No.2 has stated that as per para 12 of the present petition, it was specifically submitted that the petitioner has not filed any similar petition neither in this Hon'ble Court nor in the Hon'ble Supreme Court. He further submits that the petitioner had filed a similar petition i.e. CRWP No.9355 of 2021, in which the name of the second petitioner (Komal) in the present petition was as petitioner No.1.

Be that as it may, the only order, this Court proposes to pass is that the competent Authority shall decide the representation dated 07.10.2021 (Annexure P-7) within a period of two weeks from today by passing a speaking order, in accordance with law.

Accordingly, this petition is disposed of with the aforesaid direction.

Learned counsel for the petitioners submits that there is threat to the life and liberty of the petitioners. Given above, interim order to continue till the decision of the representation dated 07.10.2021 (Annexure P-7).

6. After that the petitioner has come up before this Court because of the concealment of the filing of first petition as observed by this Court in order dated 10.11.2021. An other contradiction is that in the earlier petition, the marriage was stated to have been performed as per Christian rites but in the second petition certificate of marriage was as per Sikh rites was annexed. Be that as it may, on the face of it, there is concealment of the filing of first petition but while closing the petition, this Court was very well aware of the said fact as has been mentioned above and in case this Court intended to take any action, the Court would have certainly taken it on 10.11.2021, which they did not take. At that time also the Court was also of the considered opinion that in case any action is taken, it would further impact the trauma of newly married couple, however facing lot of pressure probably on religious grounds. At the instance of the complainant, petition under 340 CrPC would not only amount to take a contrary stand which could have been taken on 10.11.2021 but would also have the same bearings. It is further for the reason that petitioner had arraigned his own daughter as respondent in the present petition and is apparently, he is unhappy with the wedding. Both the respondents were adults and they have all the rights to marry as per their choice. However in the second petition, some concealment was done. It was only under the compelling circumstances where probably they were apprehending some threat that even this Court inferred.



CRM-M-2771-2022

4

7. Given above, this is not a case to proceed further and the present petition is dismissed. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

05.03.2025

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Whether speaking/reasoned: Yes

Whether reportable: No