



CRM-M-17327-2017

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

350

CRM-M-17327-2017
Decided on: 01.08.2025

Amrik Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.S. Khinda, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

Mr. Naresh Prabhakar, Advocate
for respondents No.4 & 5.

ANOOP CHITKARA, J.

1. Seeking initiation of inquiry under Section 340 CrPC against respondents No.4 & 5 on the allegations that they had concealed material facts while filing CRM-M-42646 of 2016 and had obtained an order dated 29.11.2016 (Annexure P-2) by concealing earlier marriage of respondent No.4 with the petitioner's son, had come up before this Court by filing the present petition under Section 340 CrPC in the year 2017.

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

3. A perusal of the petition points out that respondents No.4 & 5 had filed a petition which was registered as CRM-M-42646 of 2016, seeking protection of life and liberty. The claim of the petitioner is that while filing such petition, respondent No.4 had concealed the fact that she was earlier married. Further allegation is that the 4th respondent also prepared a fake voter and Adhar card showing herself to be the wife of petitioner's son, which was incorrect. The petitioner's grudge is that the 4th respondent performed the second marriage with 5th respondent without disclosing the previous marriage and concealing the same.

4. I have also gone through Annexure P-1, which is the copy of the petition filed before this court i.e. CRM-M-42646-2016 titled as Kulwinder Kaur and another vs. State of Punjab and others. Perusal of the said petition reveals that petitioners No.1 & 2 got quite close to each other and started liking and decided to live as future life partners. In para 2, there was some mention about the affidavit and apparently because of the fact of fabrication in para 4 mentioned about the threats which she had received from the family members. Thus, apprehending danger to their lives and liberties, they came up before this court.



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5. In para 11, it was mentioned that it is the first marriage of both the petitioners and the present marriage was performed with a free will, without any external pressure. Thus, factum of being first marriage is apparently incorrect and based on this false averment, the petitioner seeks initiation of inquiry under Section 340 CrPC.

6. I have also perused the reply dated 31st January 2019, filed by the concerned DySP. A perusal of the reply clearly points out that Kulvinder Kaur was earlier married. Respondents No.4 & 5 also filed their written reply and in para 3 of the said reply, it was mentioned that the deponent solemnized marriage with Sukhjinder Singh and deponent was treated badly in every respect by Sukhjinder Singh and his parent and she was often given beating. It is also mentioned in the reply that Sukhjinder Singh left for Malaysia on 21.08.2017 without leaving any support for her.

7. An analysis of the entire documents points out that it is not the case of respondent No.4 that she was not earlier married and her stand is that her husband had left for Malaysia leaving her behind and she believed to have been divorced. Some money transaction was also mentioned, thus the question of marriage having been dissolved or being divorced is a disputed question which this Court does not want to enter at this stage.

8. Despite the fact that the State has supported the case of the petitioner that the 4th respondent was earlier married, which had come in the investigation conducted at the village level but despite that this fact has to be examined in evidence. Moreover, petitioner was not party to earlier petition, he is fighting for his son's cause. In case, the petitioner had any locus or grievance about the marriage, there are other legal remedies available in law.

9. Self-preservation is the most basic human instinct. People go to great lengths to save their own lives and those of their families, friends, colleagues, and even strangers. Protecting life is at the center of Indian Constitution, and the denial of such protection might lead to the collapse of the foundation and implosion of the core.

10. Considering the relief sought by the private respondent in the protection petition, which is so vital for saving life, this Court does not find it appropriate to initiate a proceeding under 340 CrPC.

11. Consequently, present petition is dismissed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

01.08.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.