

CRM-M-14253-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-14253-2022
Reserved on: 05.08.2025
Pronounced on: 21.08.2025

Prem

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lupil Gupta, Advocate
Mr. Manjeet, Advocate and
Mr. Abhishek, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

Ms. Sadhvi Bharti, Legal aid counsel
for respondents No.6 to 10.

ANOOP CHITKARA, J.

1. Seeking initiation of criminal proceedings against respondent No.6, who has filed CRWP-2642-2022, on the basis of forged and fabricated documents, the petitioner had come up before this Court by invoking the jurisdiction of this Court under § 340 r/w 482 of the Code of Criminal Procedure, 1973 [CrPC].
2. The petitioner's grudge is that the respondent, through wilful distortion of facts and calculated exploitation of the judicial process, succeeded in securing a favourable order dated 24.03.2022.
3. Petitioner claims that respondent No.6 was keeping an evil eye on his daughter. Even respondents No. 7 to 10 were also aware of the entire matter but did not restrain their son from doing so. On 21st March 2022, respondents No.6 to 10 enticed away petitioner's daughter and took away ornaments and cash. The petitioner informed the police and also made a written complaint. He got to know that respondent No.6 has filed a protection petition before this Court i.e. CRWP-2642-2022. In the said protection petition, the date of

birth of petitioner's daughter was mentioned as 8th March 2003, whereas her actual date of birth was 8th March 2005 and she was under 18 years of age i.e. a minor. The petitioner has also referred to certificate issued from the government school (Annexure P-1) to demonstrate that age of his daughter was 8th March 2005.

4. The protection petition filed by respondent No.6 and petitioner's daughter was listed before this court and was registered as CRWP-2642 of 2022. A coordinate Bench of this Court vide order dated 24th March, 2022 decided the said petition and it was observed that without examining the question of validity or otherwise of the marriage, the Senior Superintendent of Police, Firozpur was asked to look into the grievances of the petitioners expressed in the representation made by him. It was further ordered that the Senior Superintendent of Police would convey a meeting between the petitioners and parents of petitioner No.1, if so required.

5. The state has filed the reply dated 26.07.2022 to the present petition through the concerned Dy SP, wherein it was mentioned that there was no record of date of birth of the petitioner's daughter in the Registrar Office of the Birth and Deaths at Ferozepur. However, it was mentioned that as per the school certificate record, date of birth of the petitioner's daughter was mentioned as 8th March 2005.

6. Respondents No.6 to 10 have also filed a joint reply. In paragraph No.2 of the reply, it had been mentioned that the petitioner has fabricated the documents regarding the date of birth of his daughter. They have also mentioned that respondent No.6 has already suffered a lot in various legal battles and now to subject him to another litigation, will be adding more allegations. It was mentioned that the other respondents have unnecessarily been roped in and they have no role at all.

7. An analysis of the entire arguments and pleadings clearly make out one conclusion, that there was no need for the petitioner to have implead respondents No.7 to 10 in the present petition. The main allegation was against respondent No.6 and there is no material to connect other respondents with the fabrication of the age, if any.

8. In this Criminal Writ Petition No. 2642 of 2024, petitioner No.1 is shown to be daughter of present petitioner and respondent No.6 is petitioner No.2. The age of petitioner No.1 is shown to be 19 years. On the face of it, the date of birth of petitioner No.1 is mentioned as 8th March 2003, which is found to be incorrect by the reply filed by the State based on the school certificate.

9. The other grounds mentioned in the petition were that they were in love with each other and had solemnized their marriage. It is also mentioned that the marriage was out of their sweet will and choice. However, since petitioner No.1 is found to be the minor by the State, this court does not want to comment because she could not have consented neither to the marriage nor any other activity.

10. The primary question before this Court is not to adjudicate about the false certificate based on which the marriage was performed, but the protection petition which was filed before this Court by husband and wife, out of whom wife was a minor. In paragraph Nos.6 & 7, it was explicitly mentioned about the threat perceptions to their life. This Court cannot be oblivious to the ground realities about honor killings and other atrocities committed with the newly wedded couple by their parents and relatives because of their defiance of the traditional marriage system where love marriage is hated and despised. Given the community is reluctance to accept the arrange love marriages, the petitioners were apprehending threats to their lives, cannot be ruled out. Even this Court while considering the said petition, did not rule out such threat perception and had asked the representation to be decided and a meeting to be convened. Thus, no substantial benefit was taken by the petitioners even by filing the said petition. Needless to say that when the Senior Superintendent of Police had to decide the representation, fact of petitioner No.1 being minor would have been brought to their notice. As such, the filing of the present petition did not result in any benefit to the Petitioner No.2 by showing petitioner No.1 as a minor.

11. While it is indeed open to a litigant to approach this Court under § 340 CrPC and now in its new Avatar §379 BNSS, 2023, when a party is alleged to have wilfully and knowingly made false statements on oath before a judicial forum, thereby potentially attracting the offence of perjury or fabrication, the invocation of such extraordinary remedy

must be predicated upon compelling material. The machinery under §§ 340 CrPC/ 379 BNSS, 2023, is not to be set in motion lightly; it is a grave and solemn jurisdiction meant to preserve the sanctity of judicial proceedings and hence, not to be wielded as a weapon of retaliation.

12. 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 India's Constitution, and the denial of such protection might lead to the collapse of the foundation and implosion of the core. 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.

13. In light of the foregoing discussion and bearing in mind the peculiar facts and circumstances of the present case, this Court finds no sufficient justification to proceed against the respondent under § 340 CrPC. The statutory threshold for invoking such jurisdiction has not been satisfied, and accordingly, this Court refrains from exercising its discretion in favour of the petitioner.

14. Consequently, the petition stands **dismissed**. However, it is made abundantly clear that the observations made herein above shall not be used in any other proceedings by or against any of the party. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

21.08.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: NO.