



CRM-M-14023-2019

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

CRM-M-14023-2019
Decided on: 01.08.2025

Balwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rahul Jaswal, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

1. Seeking initiation of an inquiry and criminal proceedings against respondents No.2 & 3 for committing fraud and misleading this Court and concealing the factum of earlier marriage in a protection petition bearing No.CRM-M-9891-2019 before this Court, the petitioner had come up before this Court by filing the present petition under Section 340 r/w 482 CrPC.

2. Petitioner claims that his daughter (respondent No.3), who was unmarried was allured by respondent No.2 who at that time was married and the factum of the first marriage was concealed. In paragraph 3 of the petition, the petitioner has specifically mentioned that respondent No.2-Rajan Kumar was already married with one Rajni and the marriage was solemnized on 16th October 2015, photographs of said first marriage of respondent No.2 with Rajini, have been annexed as Annexure P-3.

3. The petitioner's grievances is that without taking divorce from the earlier wife, respondent No.2 befooled them and performed marriage with his daughter. The petitioner's reasons for approaching this Court for initiating inquiry under Section 340 CrPC is that his daughter and 2nd respondent filed a petition before this Court, which was registered as CRM-M-9891 of 2019 and bears the date of 01.03.2019 (Annexure P-1) and the same points out that the respondents were seeking protection from this Court because they were apprehending threat to their life from the private respondents in the said petition including petitioner-Balwinder Singh.

4. I have also perused the reply dated 14th June 2019 filed by the concerned Deputy



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Superintendent of Police. It has been mentioned in this reply that Senior Superintendent of Police Hoshiarpur had sought a legal opinion about this matter and after that the matter was thoroughly inquired and it was opined that Rajan Kumar was earlier married with Rajni on 16th October 2015 and during the subsistence of his first marriage, he had again performed the second marriage and FIR No.101 dated 05.05.2019 u/s 494/495/366/417 IPC, was registered against respondent No.2 in Police Station Tanda, Distt. Hoshiarpur.

5. A perusal of the entire documents clearly points out that the private respondents had misled this Court while filing petition qua performing marriage, but the question before this Court is not the misleading qua marriage, but rather the question before this Court is that respondents No.2 & 3 had filed a petition before this court seeking protection in which they had mentioned the fact that it was their first marriage. It also remains undisputed that based on such petition, Coordinate Bench of this Court had passed an order dated 01.03.2019 in CRM-M-9891 of 2019. However, this court had not issued any general directions but had only asked the Authority to look into the matter and no observation qua marriage was made by the authority. In entirety, no actual loss was caused to the present petitioner due to concealing or mentioning the wrong fact of first marriage while filing a petition before this Court by respondents No.2 & 3.

6. 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. Moreover, parties already registered FIR u/s 494/495/366/417 IPC in Police Station Tanda, Distt. Hoshiarpur, against respondent No.2, as such, no further action is required. Consequently, the 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.