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

CRM-M-25164-2022

Date of decision: 10.07.2025

Daljeet Kaur

...Petitioner

Versus

Lavleen Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Paramjit Singh Bal, Advocate
for the petitioner.

Ms. Jyotnoor Kaur, Legal Aid Counsel
for respondent No.1.

Ms. Ritika Sabharwal, Legal Aid Counsel
for respondent No.2.

ANOOP CHITKARA, J.

1. Seeking inquiry and registration of case against respondent for mis-leading the Court in CRWP No.8884 of 2021 titled "Lavleen Kaur and another vs State of Punjab and others" by mentioning wrong facts and concealing material facts in the petition supported by affidavit, the petitioner has come up before this Court under Section 340 CrPC.

2. Notice was served upon the respondents but none has put in appearance on behalf of them despite service. In order to give proper opportunity to respondents, this Court appointed legal aid Counsel on their behalf to defend their case.

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

4. Petitioner claims that her marriage was solemnized with respondent No.2 on 21.03.2018 as per Sikh rites. From their marriage, a daughter was born. Respondent No.2 and his parents taunted her for bringing less dowry and respondent No.2 would beat her under the influence of liquor. She kept on tolerating all this trauma believing that they would change but eventually she was turned out of the house along with her daughter. However, on 08.08.2013 the matter was compromised with respondent No.2 admitted his guilt, but again the torture started and she was turned out. Subsequently, a petition under Section 9 of Hindu Marriage Act was filed in which matter was compromised on 31.03.2014. After that on 12.05.2014, respondent No.2 again gave beatings to petitioner and turned her from house along with daughter and she was hospitalized. On 06.04.2016, petitioner filed an application under Section 125 CrPC claiming maintenance, which was



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granted to her as well as her daughter. Respondent No.2 also filed divorce petition which was pending on the date of filing of present petition in the year 2022. Respondent No.1 and 2 filed CRWP No.8884 of 2021 by concealing the true facts and mentioning wrong facts and obtained an order dated 16.09.2021. A Co-ordinate Bench of this Court vide order dated 16.09.2021 decided the writ petition vide detailed order. The Court granted protection by putting a disclaimer that the Court was not expressing any opinion about the merits and disposed of the petition by directing respondent No.2 to decide the representation dated 01.09.2021 to assess the threat perception and after considering the same to take appropriate legal action.

5. Petitioner's grievance is that in the said protection petition, wrong facts were mentioned and without divorce they wanted to perform marriage and claimed that they are residing together. However, it was clarified that the protection petition was filed without performing marriage.

6. Counsel for the respondents argued that in the protection petition, they have explicitly mentioned that they were not married on that date and they also apprehend threat to their life and they were living together, as such there is no illegality because adultery is no more an offence and there is no issue even if respondent No.2 was maintaining any physical relationship with unmarried woman.

7. Counsel for the petitioner opposed the argument and seeks inquiry.

8. An analysis of the arguments would lead to the following outcome. It is not a case of per se concealment by respondent No.1 and 2. Respondent No.1 claimed to be unmarried and also mentioned that respondent No.2 was the husband of petitioner. They expressed their desire to marry and this fact was mentioned in the protection petition. Needless to say that irrespective of adultery since respondent No.1 i.e. petitioner in the said petition was unmarried woman, as such even if respondent No.2 was married and they had physical relationship would not make any criminal offence. Seeking protection to life and liberty is fundamental right under Article 21 of Constitution of India and a Co-ordinate Bench of this Court had granted protection after analyzing the threat perception. Thus, no cause would arise under Section 340 CrPC against private respondents.

9. Given above, there is no merit in the petition and the same is accordingly, dismissed. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

10.07.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.