



CRM-M-49514-2017 (O&M)

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

CRM-M-49514-2017 (O&M)

Date of Decision: 01.07.2025

Ram Vinesh Saw

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S. Kathuria, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

Mr. Bhisham Kinder, Advocate
for respondent No.4.

ANOOP CHITKARA, J.

1. Seeking initiation of action under 340 CrPC against respondent No.4 for filing false affidavit and forged documents in CRM-M No. 37914 of 2017 titled 'Amrita Devi and another vs State of HP, the petitioner had come up before this Court by filing the present petition under Section 482 read with 340 CrPC in the year 2017.

2. The petitioner's grudge is that respondent No.4 filed a petition CRM-M No. 37914 of 2017 before this Court in which he took the plea that he had fallen in love with 'A', the petitioner's daughter, and both had left the house. On 25th September 2017, they visited a temple where they solemnized their marriage according to the rituals, after which they began living as husband and wife. Due to opposition to the marriage by some relatives, they became apprehensive about potential threats and filed a protection petition with this Court.

3. In the said protection petition, the documents were annexed to demonstrate that 'A' had attained majority and was competent to marry on her own will; whereas at the time of marriage 'A' was minor, as such, while getting the relief, respondent No.4 had not approached this Court with clean hands and had shown minor as a major and had got relief.



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4. A perusal of the said protection petition does mention that 'A' at that time was a minor and a copy of the Aadhar Card appears to have been filed at the time of seeking protection; however, in case marriage was solemnized by showing a minor as a major, such marriage may be voidable under law. If the version of the petitioner is correct, in that case, the appropriate remedy available to the petitioner is to launch a complaint under the IPC, which he did not avail, and the petitioner wants this Court to proceed against respondent No.4.

5. The respondent No.4 was apprehending a threat to his life at that time, and of the girl with whom he claimed to have married. What was the actual date of birth of 'A' is subject matter of evidence. This Court cannot lose sight of the fact that it has been very recent that dates of birth are recorded from births in hospitals, but not when births take place outside hospitals, e.g., at home.

6. Further, it cannot be ruled out that at the time of preparation of the Aadhar card, whether the actual date of birth was shown or not. It is a matter of inquiry and investigation, which could have been better conducted in the event of a violation of any offense under the IPC or POCSO.

7. In the present case, there was no reason for the petitioners (respondents No.5 & 6 herein) to approach this Court unless there was some apprehension or threat to their lives. Needless to say, such concern could have been mistaken, false, or merely speculative; however, the instinct to protect someone's life is so strong that individuals would avoid taking any risk. Furthermore, it cannot be ruled out that incorrect legal advice is often given to runaway couples and individuals like these, which is a very real possibility given the large number of such petitions filed, not only in this court but also before the district courts.

8. The private respondent No.4 sought protection from this Court for his life, which is a fundamental right guaranteed under Article 21 of the Constitution of India. Even if the petitioner had claimed some misrepresentation, still, the relief sought was so paramount, so foundational, and so sacrosanct that this Court does not deem it appropriate to proceed against such a person simply because he might have used some forged document for the marriage, which was not under challenge before this Court. The only issue at that time before this Court was to grant protection to respondent No.4 and his wife 'A'.

9. Self-preservation is the most fundamental human instinct. People go to great lengths to save their own lives and those of their families, friends, associates, and even strangers. Safeguarding life is at the core of India's Constitution, and if such protection is denied, the foundation could collapse, and the core would implode.



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10. Given the relief sought by respondent No.4 in the protection petition, being so sacrosanct to save his life, this Court does not deem it appropriate to interfere and launch a proceeding under 340 CrPC.

Petition dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

01.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: **YES.**