



CRM-M-44563-2024

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

CRM-M-44563-2024

Date of Decision: 21.01.2025

Sarabjeet Kaur

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Janak Singh Bhinder, Advocate
for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

Mr. Pawan Attri, Advocate
for respondents No.2 and 3.

ANOOP CHITKARA, J.

1. Seeking initiation of an inquiry for providing incorrect information about the age of respondent No.2, the petitioner has come up before this Court under Section 379 of BNSS, 2023.
2. To ascertain whether the petition requires issuance of formal notice and reply from the respondent or not and should this Court proceed under Section 215 of BNSS, I have heard counsel for the parties and have gone through the record and its analysis would lead to the following outcome.
3. Respondents No.2 and 3 are stated to have filed CRWP No.6978 of 2024 seeking protection from petitioner herein and relatives. In the said petition, respondent No.1 claimed that his date of birth is 16.07.2003 which would make him 21 years of age and had also attached an affidavit in this regard. He had also attached copy of Aadhar Card and showed his date of birth as 16.07.2003. Copies of the affidavit and Aadhar Card are annexed to the petition as Annexures P-5 and P-6.
4. Petitioner's grievance is that respondent No.2 had created fake Aadhar Card in order to get married and infact his date of birth is 16.07.2004 which would make him under 21 years of age. Petitioner submits that the respondent No.2 had shown his year of birth as 2003 instead of 2004 and gives false affidavit in this regard. As such, the



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petitioner is seeking an inquiry against respondent No.2 under Section 215 BNSS following the procedure as established under Section 379 BNSS. Although the petitioner is silent but it appears that she is mother of respondent No.3 with whom respondent No.2 had married. Section 215 of BNSS makes it an offence. Thus, petitioner's grievance is that the respondents have mis-led this Court as well as the petitioner by fraudulently showing the year of birth as 2003 instead of 2004. Consequently, the petitioner seeks an action under Section 379 BNSS and cognizance under Section 215 BNSS.

5. State counsel has handed over copy of School Leaving Certificate dated 14.11.2024 as per which date of birth of respondent No.2 is 16.07.2004 and not 16.07.2003 as was stated to have been shown in the writ petition. Reference to the affidavit sworn in support of petition clearly mentions that respondent No.2 not only mentions his age as 21 years but his date of birth as 16.07.2003.

6. Be that as it may, the intention of respondent No.2 is that he wanted to marry respondent No.3. It appears that respondent No.2 was smitten by respondent No.3 and for that reason, he showed his date of birth as 16.07.2003 to make him an adult. No loss was caused by such an act to any person. The only person who has locus would be respondent No.3 who has not come to this Court, as such this Court is not initiating any proceedings under Section 215 BNSS or 379 BNSS.

7. No notice is required to be issued.

8. **Dismissed.** All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.