

2025:PHHC:114104



CRM-M-14536-2015

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARHCRM-M-14536-2015  
Date of Decision: 18.08.2025

Mukesh

...Petitioner

Versus

Laxmi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Surinder Gandhi, Advocate  
for the petitioner.Ms. Nancy Vashistha, Legal Aid Counsel  
for the respondents.

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ANOOP CHITKARA, J.

1. Seeking initiation of criminal proceedings against the respondent for having allegedly made deliberate, false, and malicious averments, accompanied by a false affidavit, in CRM-M-44471-2014, the petitioner had come up before this Court by invoking the jurisdiction of this Court under Section 482 r/w 340 of the Code of Criminal Procedure, 1973 [CrPC].
2. I have heard counsel for the parties and gone through the record and its analysis would lead to the following outcome.
3. A perusal of the petition points out that respondents No.1 & 2 had filed a petition which was registered as CRM-M-44471 of 2014, seeking protection of life and liberty. The claim of the petitioner is that while filing such petition, respondent No.1 had concealed the fact that she was earlier married. The petitioner's grudge is that the respondent No.1 performed the second marriage with respondent No.2 without disclosing the previous marriage and concealing the same.
4. I have also gone through Annexure P-1, which is the copy of the petition filed before this court i.e. CRM-M-44471-2014 titled as 'Laxmi and another v/s State of Haryana and others'. Perusal of the said petition reveals that petitioners No.1 & 2 got married against the wishes of respondents No.4 to 6 and were receiving threats from the family members. Thus, apprehending danger to their lives and liberties, they came up before this Court.

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5. In para no. 11, it was mentioned that it is the first marriage of both the petitioners. Thus, factum of being first marriage is apparently incorrect and based on this false averment, the petitioner seeks initiation of inquiry under Section 340 CrPC.

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 Indian Constitution, and the denial of such protection might lead to the collapse of the foundation and implosion of the core. However, there is specific provision/offence under Section 494 IPC for which petitioner can file FIR against the respondent, however he choose to involve this Court in the matter. Moreover, no relief except to grant them protection was given to them by this Court which is their fundamental right.

7. Considering the relief sought by the private respondents 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.

8. 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 respondents under Section 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.

9. 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. However, liberty reserved to petitioner to avail other legal remedies as per law. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)  
JUDGE

18.08.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: NO.