

2025:PHHC:114117



CRM-M-20157-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-20157-2018
Date of Decision: 08.08.2025

Avtar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. N.S.Dandiwal, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

ANOOP CHITKARA, J.

1. Seeking initiation of criminal proceedings against the respondents No.4 and 5 for having allegedly made deliberate, false, and malicious averments, accompanied by a false affidavit, in CRM-M-50094-2017, the petitioner had come up before this Court by invoking the jurisdiction of this Court under Section 340 r/w 482 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.4 & 5 had filed a petition which was registered as CRM-M-50094 of 2017, seeking protection of life and liberty. The claim of the petitioner is that while filing such petition, respondent No.4 had concealed the fact that she was earlier married. The petitioner's grudge is that the respondent No.4 performed the second marriage with respondent No.5 without disclosing the previous marriage and concealing the same.
4. I have also gone through Annexure P-2, which is the copy of the petition filed before this court i.e. CRM-M-50094-2017 titled as 'Rajvinder Kaur and another v/s State of Punjab and others'. Perusal of the said petition reveals that petitioners No.1 & 2 got married against the wishes of respondents No.4 to 7 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. 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.

6. It would be appropriate to reproduce paragraph no.6 of the reply filed by State counsel which reads as follows:

“6 That thereafter, the inquiry officer had called both of parties along with record pertaining to the dispute in hand and respondent no.4 Rajvinder Kaur had produced one panchayati compromise executed between her and petitioner Avtar Singh for dissolution of their marriage in presence of panchayat consisted respectable persons of both parties. As per the above said compromise, petitioner Avtar Singh and respondent no.4 Rajvinder Kaur dissolved their marriage in presence of panchayat and started living separately and respondent no.4 Rajvinder Kaur solemnized her second marriage with Mangat Singh in spite of fact that their above said panchayati compromise for dissolution of their marriage was not valid for having divorce from each other and to solemnize second marriage.”

7. Perusal of the above paragraph reflects that initially they agreed to part ways but later on some dispute arose between them.

8. 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.

9. 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.

10. 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. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

08.08.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: NO.