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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-34258-2018

Date of Decision: 09.07.2025

Karmo Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mohit Giri, Advocate  
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

None for the private respondents.

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ANOOP CHITKARA, J.

1. Seeking initiation of inquiry against private respondents for perjury for filing false affidavit that respondent No.5 was previously unmarried whereas he was married and had also a minor child, his wife (petitioner) had come up before this Court under Section 340 CrPC.

2. I have heard counsel for the petitioner and State and its analysis would lead to the following outcome. Petitioner's claim is that she was married to Kuldeep Singh-respondent No.5 for more than 03 years and from their wedding, they had a male child who is staying with petitioner. Petitioner further claims that the marriage is still subsisting and has not been dissolved. Respondent No.5 secretly married respondent No.4 and both of them have filed a protection petition in this Court apprehending threat to their life and has annexed copy of the petition as Annexure P-2.

3. I have perused the said petition which was filed by Sandeep Kaur and Kuldeep Singh and the said petition was registered as CRM-M No.24944 of 2018. In the said petition in para no.3, it has been mentioned that parents of the lady did not give consent to her to marry respondent No.5 and they were apprehending threat to their life and despite petitioner No.2 trying to convince parents of petitioner No.1, they did not agree to their marriage. Thereafter, both of them solemnized marriage on 29.05.2018. After two days i.e. 31.05.2018, they filed petition for protection of their lives. Vide order dated 04.06.2018, a Co-ordinate Bench of this Court had disposed of the said writ petition by directing the Senior Superintendent of Police to look into the matter and ensure that no



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harm is caused to the petitioners at the hands of private respondents. It was clarified that this order shall not be treated as stamp of this Court about the marriage and no opinion with regard to validity of marriage was expressed through that order.

4. The present petitioner who was earlier married to respondent No.5 came up before this Court pointing out the offence of perjury committed by her husband and newly married wife respondent No.4. On the face of it, the marriage of respondent No.5 with respondent No.4 is their stand in the protection petition. It is not the case of the State that the said petition was filed by somebody by impersonation, however the factum of marriage of petitioner with respondent No.5 is matter of evidence and proof. This Court is not expressing any opinion and is not even doubting the stand of the petitioner that she had married respondent No.5 and had a child. The more important question with which this Court is concerned is that in the said petition and representation made earlier to SSP, respondents No.4 and 5 i.e. husband of present petitioner had expressed and apprehended threats at the hands of family of respondent No.4. Given such apprehension of threat to lives, they have come to this Court and undoubtedly if petitioner was earlier married to Kuldeep Singh, then they have concealed this fact.

5. This fact has been established from the inquiry conducted by the Registrar (Vigilance) of this Court which is reproduced below:

*“Thus, from the aforesaid admissions and the evidence, which has come on record, it is evident that Karmo Kaur is the legally wedded wife of Mohar Singh. The marriage has not been legally dissolved till date. Mohar Singh is also known by the name of Kuldeep Singh and he alongwith Sandeep Kaur had filed the Petition bearing CRM-M No.24944 of 2018, titled as "Sandeep and another Vs. State of Punjab and others" seeking protection. Kuldeep Singh alias Mohar Singh in para No.10 of the petition has specifically stated that before their marriage, both of them were unmarried and this is their first marriage. The said petition is supported with their photographs of marriage and the affidavit of Kuldeep Singh and Sandeep Kaur, wherein, they have claimed that contents of para No.1 to 12 of petition are correct and no part of it is false. Kuldeep Singh has intentionally committed the offence of perjury and also committed the offence of bigamy by having married Sandeep Kaur during the subsistence of her first marriage, which has not been legally dissolved.*

*Thus, from the aforesaid facts, it is prima-facie evident that Kuldeep Singh alias Mohar Singh and Sandeep Kaur have committed the offence of perjury punishable under Section 193 I.P.C. by filing false affidavit in the Hon'ble High Court, whereby, they have intentionally and falsely claimed that the contents of the petition are correct and no information contained therein is false. In the petition they have claimed that this is their first marriage and prior to this*



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*marriage, they were unmarried but the fact is that this is the second marriage of Kuldeep Singh.*

*In the present circumstances, Kuldeep Singh alias Mohar Singh has also committed the offence punishable under Section 494 I.P.C. For having contracted second marriage with Sandeep Kaur. The petitioner Karmo Kaur may approach the concerned Police Authorities for prosecuting her husband for having committed offence punishable under Section 494 I.P.C., if she so desires.”*

6. The fact remains that the Court was very clear in its opinion about validity of marriage and as such did not give a stamp of approval but confined to the representation to be decided by the concerned SSP in terms of settled law. The Co-ordinate Bench was also concerned with giving protection to the petitioners therein because of the sacrosanct nature of human life which cannot be taken away except in due process of law provided under Section 21 of Constitution of India and statutes made thereunder. No doubt, respondents No.4 and 5 are indicted in the report of Registrar also. But this Court refrains from interjecting in the affairs of the parties, as petitioner has alternate remedy under the IPC/BNS and she can avail such remedy. Moreover, judicial scrutiny by way of evidence i.e. examination, cross-examination is also required to hold the respondent liable for offence and to frame charges.

7. Given above, it is not a case worth issuing notice and the same is accordingly, dismissed. However, keeping in view the report reproduced in para no.5 above, liberty is granted to the petitioner to avail remedy under BNS/IPC in accordance with law. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

09.07.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.