



CRM-M-45913-2018

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-45913-2018
Date of Decision: 03.07.2025

Surinder Pal Soni

...Petitioner

Versus

Renu Verma

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Namit Khurana, Advocate
for the petitioner.Mr. Jatinder Nagpal, Legal Aid Counsel
for the respondent.

ANOOP CHITKARA, J.

1. Petitioner has come up before this Court under Section 482 r/w 340 CrPC for holding enquiry against the respondent and filing complaint under Section 195 CrPC on the ground that respondent made false statement and false evidence in CM-2288-C-2015 in RSA No.771 of 2015 titled "Sohan Lal through Lrs vs Surinder Pal Soni and others" in respect of an application under Order 44 Rule 1 CPC with a view to seek permission to file an appeal as indigent person in forma pauper without affixation of the Court fees.
2. Petitioner's stand is that he had filed a suit for specific performance in respect of an agreement of 2003 and also had sought declaration of a sale deed with respect to same land executed in favour of Abhay Verma by Sohan Lal (deceased) as illegal, null and void.
3. Petitioner's further claim is that the suit filed by him was partially decreed by Civil Judge (Senior Division) Panchkula and legal representatives of Sohan Lal challenged the said judgment before the District Judge, Panchkula which was also dismissed. Challenging the same, they came up before this Court in RSA. In the said RSA, respondent filed an application under Order 44 Rule 1 CPC seeking permission to file the appeal as an indigent person as pauper without affixing the court fee. In the said application, specific averment was made to the effect that respondent had filed a similar application before Additional District Judge which has been allowed. Petitioner has annexed the copy of the application and affidavit filed by respondent as Annexure P-1 and P-2.
4. In this Court, even the counsel appearing on behalf of the respondent i.e. the appellant in the RSA made the statement that the first appellate court had also permitted the appeal without affixing the court fee. This statement was incorrect for the



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reason that in the application filed under Order 44 Rule 1 CPC by the present respondent before Additional District Judge, Panchkula was never allowed. Thus and hence the present application.

5. Notice was issued to respondent, but despite service, none has put in appearance on the respondent, as such, this Court appointed legal aid Counsel on her behalf.

6. I have heard counsel for the parties and have gone through the record and its analysis would lead to the following outcome. Petitioner is relying upon order passed by a Co-ordinate Bench of this Court in CM-2288-C-2015 in RSA No. 771 of 2015 decided on 01.06.2018. The Co-ordinate Bench of this Court while dealing with the application filed under Order 44 Rule 1 CPC after giving detailed order observed that the Court was mis-represented and even deprecated the said practice and based on such finding dismissed the application. Now the petitioner has an open and shut case of inquiry against the respondent because of the observation made by the Co-ordinate Bench. Although the present respondent had misrepresented this Court, but another fact also remains that they could not take any benefit thereof. Whether infact the present respondent i.e. the appellant in RSA was indigent or not is a different matter. It cannot be stated that they are not indigent. The only fault which they committed was that a wrong statement was made before this Court that they had filed a similar application before the District Court, Panchkula. The possibility of such statement being due to miscommunication or wrong communication to the respondent can also not be ruled out. To prosecute a person under Section 340 CrPC demands exclusive evidence of false evidence. Moreover, the Co-ordinate Bench has already dealt the issue and no advantage was taken by respondent. Thus, role of respondent is very limited.

7. Thus, in the entirety of facts and circumstances of the case, since no loss was caused to the present petitioner and further possibility cannot be ruled out that the respondent was in fact indigent person but they erroneously made the wrong statement, this Court does not deem it appropriate to launch the prosecution under Section 340 CrPC r/w 195 CrPC. Given above, no case is made out to initiate prosecution under Section 340 r/w 195 CrPC and the petition is dismissed. All pending applications, if any, stand disposed of.

8. Concerned Officer of the legal Aid Services Authority to ensure timely payment to the legal aid counsel as per rules.

(ANOOP CHITKARA)
JUDGE

03.07.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.