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CRM-M-6048-2020
302 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6048-2020
Decided on: 10.07.2025

Maan Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ullas Kapoor, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

1. Seeking initiation of criminal proceedings against respondents No.2 & 3 on the allegations of filing false reply by way of affidavit, the petitioner had come up before this Court in the year 2020 by filing the present petition under Section 340 CrPC r/w 195 & 482 CrPC.
2. I have heard counsel for the petitioner as well as State and gone through the record and its analysis would lead to the following outcome.
3. The genesis of the present petition traces back to one FIR No.446 dated 04.12.2010 filed under Section 420, 467, 468, 471, 120B IPC. The said FIR was registered based on the complaint made by respondent No.2-Dr.Ajay Goyal against the petitioner. In addition to the petitioner, two more persons were arraigned as accused alleging criminality. Dispute was qua some property. Dispute qua said property was resolved by way of compromise before Permanent Lok Adalat on 20.01.2011 vide Annexure P-2 and based on such an award (P 3), compromise was passed by the concerned Court. By way of said compromise, it was argued between the parties that complaint after fulfilment of part of petitioner, would cooperate in quashing of FIR.
4. The petitioner's grievance is that vide a compromise (Annexure P2), it had been agreed that petitioner would execute a sale deed in favour of respondents No.2 & 3 and after registration of sale deed, the parties would get FIR quashed. After the registration of the said property, its possession was not handed over and remained with respondents No.2 & 3.



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5. The petitioner had fulfilled his part of compromise by getting the sale deed registered and by handing over the possession but when he filed petition for quashing before this Court, respondents No.2 & 3 filed reply (Annexure P-3), wherein they refused to fulfill their part of the compromise.

6. Respondents No.2 & 3 in their reply, claimed that although the petitioner had claimed himself the owner of the said property but one another person had filed civil suit (Annexure P-11) claiming himself to be the owner in possession of the same property, as such title is under dispute and they refused to give their consent for quashing of FIR based on compromise.

7. The petitioner's counsel submits that respondent no.3 took a contrary stand, in which she mentioned that property in question was owned by her and as well as by other persons, who had filed civil suit namely Brij Bihari. Considering such stand, Civil Suit (P11) was dismissed vide Annexure P-15. The petitioner's grievance is that respondents No.2 & 3 knowingly and wilfully backed off from the compromise with malafide intention and gave false affidavit (Annexure P-3) in question while opposing his petition for quashing of FIR. They also made contrary statement before two Courts which was done to harass the petitioner and as such, they were liable to be prosecuted. The petitioner's final ground is that in quashing petition i.e. CRM-M-7173-2017, which was withdrawn and petitioner was given liberty to file a separate petition under Section 340 CrPC shows that Court was even inclined and concerned about the respondents' stand, hence the present petition.

8. Counsel for the State opposed the petition by arguing that the petitioner was convicted in the said FIR by a Court of Competent jurisdiction after analysing the entire evidence and as such petitioner's stand of compromise claiming to be owner, was not substantiated and further that once the matter was adjudicated by the criminal Court, any finding by this Court would have a counter effect on the said appeals, if pending and even if not pending, it would be contrary to the observation made by the trial Court and hence they seek dismissal.

9. An analysis of these facts and submissions point out that petitioner executed sale deed in favour of respondents No.2 & 3 and handed over possession to them but this fact could only be proved by leading evidence. Simply because the matter was compromised and after that respondents No.2 & 3 refused to accept such compromise, would not give right to the petitioner for initiation of inquiry against such respondents under Section 340 CrPC. This is not the object and purpose of 340 CrPC. In fact it is a matter based on Lok

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Adalat where parties give their consent without any pressure and subject to the provisions of laws relating to Lok Adalat where parties mentally not to be put under any pressure. Needless to say that petitioner had various liberties including filing petition for cancellation of sale deed and retaking of the possession in accordance with law.

10. As far as present petition is concerned, this Court is not inclined to interfere because prima facie no cause has arisen for this Court to proceed and order an inquiry under Section 340 CrPC. Consequently, petition is dismissed. Pending applications if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

10.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.