

CRM-M-20167-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-20167-2024
Date of Decision: 18.08.2025

Hardeep Singh

...Petitioner

Versus

Angrej Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.Mr. Bhupinder Gupta, Advocate for
Mr. G.S.Madaan, Advocate
for the respondent No.2.

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-8139-2024, the petitioner had come up before this Court by invoking the jurisdiction of this Court under Section 340 of the Code of Criminal Procedure, 1973 [CrPC].
2. The factual background which led to the filing of the present petition has following history.
3. On 28th April 2019, private respondents allegedly caused injuries to the petitioner with sharp edged weapons. However, respondents using their influence allegedly got FIR registered against the present petitioner on 29th April 2019 which was FIR No. 51 against the present petitioner and others. On 30th April, 2019, based on the injuries received by the petitioner, a cross General Dairy case No. 626 was registered against the present respondents Annexure P-2, however, allegedly due to their influence, the police did not take any action.
4. After that, the petitioner had filed a complaint case No. COMI-98 of 2019 against the respondents in the Court of Judicial Magistrate First Class Batala and also led preliminary evidence in the same. On 1st December 2023, in the complaint case filed by the petitioner, Judicial Magistrate summoned the respondents to face trial vide Annexure P-3. However, the police had filed a cancellation report in the general diary which was registered based on the complaint made by the petitioner. In the said cancellation report, the petitioner objected and did not agree with the same as mentioned in Annexure P-5.
5. On 5th January 2024, Judicial Magistrate First Class rejected the cancellation report vide Annexure P-6.

6. On 12th February 2024, respondents filed a quashing petition bearing CRM-M No. 8139 of 2024 before this Court challenging the complaint case and summoning orders on false averments. In the said quashing petition, the respondents appended a wrong order dated 25th July 2023 of some other case to get undue benefit. The petitioner's case is that the respondents in CRM-M No. 8139 of 2024 deliberately furnished wrong information.

7. Counsel for the respondents submits that due to some confusion a wrong order was annexed and the moment they got to know about the factual mistake, they withdrew the quashing petition. Counsel for the petitioner has shown the copy of the order dated 21st August, 2024, in which the fact was mentioned, and it reads as follows:

*“At the outset, learned counsel for the petitioners seeks to withdraw the instant petition. He submits that the petitioners had furnished false documents, which were annexed to this petition under the bonafide belief that they were accurate. Consequently, this Court was misled into passing an interim order in favour of the petitioners based on these incorrect documents.
Dismissed as withdrawn.”*

8. Thus the stand of the respondent is substantiated that the moment they got to know about furnishing of the false document, they withdrew the petition and did not actually avail any undue advantage or unfair order from this Court or during the course of the arguments did not try to take any advantage. This conduct would prima facie show that the stand of the respondent that the order was wrongly annexed is substantiated. Further, it is not a case where the complainant was somebody who was lazy or lethargic but was the person who was pursuing the case, had opposed the cancellation report and had also filed a complaint. Thus, even the respondents would be fully aware that in case they try to mislead, the complainant is vigilant and would catch them. This position of the petitioner would also justify the stand of the respondent that the error was bonafide and without any malafide intention.

9. The petitioner's grudge is that the respondent, through wilful distortion of facts and calculated exploitation of the judicial process, succeeded in securing a favourable order dated 11.03.2024.

10. The petitioner informs this Court that the private respondent's such conduct had not only scandalised the authority of the Court but has also grievously impugned the petitioner's honour and besmirched his public image.

11. While it is indeed open to a litigant to approach this Court under Section 340 CrPC and now in its new Avatar Section 379 BNSS, 2023, when a party is alleged to have wilfully and knowingly made false statements on oath before a judicial forum, thereby potentially attracting the offence of perjury or fabrication, the invocation of such extraordinary remedy must be predicated upon compelling material. The machinery under Section 340 CrPC/ 379 BNSS, 2023, is not to be set in motion lightly; it is a grave

and solemn jurisdiction meant to preserve the sanctity of judicial proceedings and hence, not to be wielded as a weapon of retaliation.

12. In the present case, this Court is constrained to observe that the petitioner, although aggrieved, has not brought on record any conclusive or irrefutable evidence to demonstrate that the respondent made false averments with the requisite mens rea or that he knowingly and wilfully misled the Court.

13. It is axiomatic that the criminal process must not be weaponised to vindicate civil or reputational wrongs without a sufficient legal foundation.

14. 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 respondent 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.

15. 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

18.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: NO.