

CRM-M-10183-2012

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-10183-2012
Reserved on: 08.07.2025
Pronounced on: 29.07.2025

S.P. Singh Oberoi

...Petitioner

Versus

Vijay Pal Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jasdev Singh Mehndiratta, Advocate
for the petitioner.Mr. Harjyot Singh, Legal aid counsel
for the respondent.

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 Civil Writ Petition No. 4057 of 2012, the petitioner had come up before this Court in the year 2012, by invoking the jurisdiction of this Court under § 340 of the Code of Criminal Procedure, 1973 [CrPC].
2. 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 13.03.2012.
3. 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.
4. The petitioner, portraying himself as a conscientious and law-abiding citizen, lays claim to a longstanding legacy of altruistic service and humanitarian contribution. He asserts his active engagement in numerous philanthropic ventures, notably including the facilitation of the release of Indian nationals incarcerated abroad, some allegedly facing the gallows, by arranging financial aid or leveraging diplomatic interventions. Furthermore, he claims to be the benefactor of various charitable enterprises such as institutions for children with special needs, matrimonial assistance schemes for economically underprivileged girls, hostel accommodations for vulnerable populations, and educational sponsorships for meritorious students pursuing higher education.

5. This Court, while not being called upon to adjudicate the veracity of the petitioner's noble credentials or the magnitude of his charitable pursuits, finds no compelling reason to disbelieve such assertions.

6. However, it is imperative to delineate the judicial contours of the present inquiry, which is confined exclusively to the consideration of whether sufficient prima facie material exists to warrant the initiation of proceedings under Section 340 CrPC against the respondent, for what the petitioner alleges to be false and scandalous statements in the aforementioned writ petition that purportedly violated the sanctity of judicial proceedings and inflicted reputational damage upon the petitioner.

7. The core grievance of the petitioner stems from the assertions made by the respondent in Civil Writ Petition No. 4057 of 2012, wherein the latter urged this Court to direct the initiation of action under anti-money laundering laws. In the course of such pleadings, the respondent alleged that multiple bank accounts had been surreptitiously opened in the name of Gurjit Singh, the petitioner's brother. Furthermore, grave allegations of financial impropriety and the embezzlement of unaccounted wealth, ostensibly to the tune of ₹100 crores, were made against the petitioner, suggesting collusion with his brother. It was further claimed that after the conclusion of an inquiry by the Income Tax Department, action was initiated against both Gurjit Singh and the present petitioner. In paragraph 11 of the said petition, the respondent further contended that the Income Tax authorities had seized documents pertaining to the purchase of immovable properties in contravention of the Foreign Exchange Management Act, 1999, thereby insinuating a violation of foreign exchange regulations.

8. The petitioner contends that the Division Bench of this Court, vide its order dated 13.03.2012, disposed of the writ petition with a direction to the Enforcement Directorate to decide the representation (Annexure P-6) on its own merits and in accordance with law, as expeditiously as possible.

9. It is pertinent to note that subsequently, in a review petition filed against the said order, this Court clarified that the direction issued earlier ought not to be construed as imposing a binding obligation upon the Enforcement Directorate to commence or continue any investigation against the petitioner or his family members. The said clarification was duly recorded in the order dated 10th October 2012, whereby the review petition was accordingly disposed of.

10. The petitioner avers that, contrary to the spirit and letter of the judicial directions issued, the respondent, who was the petitioner in the CWP, proceeded to propagate a distorted interpretation of the order and facilitated the dissemination of misleading information in the public domain. It is alleged that the respondent caused the publication

of a news article (Annexure P-6) in *The Times of India*, which essentially reproduced the allegations previously levelled in the writ petition and, in doing so, inflicted irreparable harm to the petitioner's reputation and public esteem. According to the petitioner, the malicious propagation of such baseless content aggravated his trauma and subjected him to social suspicion and professional adversity.

11. Learned counsel for the respondent, opposing the maintainability of the present petition, submits that the petitioner lacks locus standi, as he was not arrayed as a party to the main writ petition. It is contended that the pleadings in the said petition did not contain any direct allegation against the present petitioner. The dispute, in the respondent's submission, is purely civil, and no evidence has been adduced to suggest that the impugned newspaper article was published at the instance of the respondent. Additionally, it is argued that there is no demonstrable falsity in the averments made by the respondent in the writ petition. It is further submitted that, had the petitioner been genuinely aggrieved, he ought to have availed the efficacious remedies available to him under § 499 and § 500 of the Indian Penal Code, or should have sought impleadment in the main writ petition. Accordingly, it is urged that the present petition is devoid of any legal merit and is liable to be dismissed.

12. Upon a careful perusal of the judicial record, including the orders passed in review, it does emerge that the respondent's submissions in the original writ petition may have extended beyond the legal scope contemplated by the Division Bench. However, it must be underscored that the law provides distinct and well-established remedies for such eventualities. In particular, the offence of defamation, as codified under § 499 IPC, read with § 500 IPC, provides for an appropriate penal mechanism for redressing injury to personal reputation arising from malicious and false statements.

13. While it is indeed open to a litigant to approach this Court under § 340 CrPC and now in its new Avatar §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 §§ 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.

14. 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.

15. Moreover, it is not disputed that the petitioner was not a party to the original writ petition, and the allegations therein were primarily directed towards Gurjit Singh, his brother. The absence of specific averments against the petitioner, coupled with the existence of a parallel legal remedy under the law of defamation, persuades this Court against the exercise of powers under § 340 CrPC.

16. It is axiomatic that the criminal process must not be weaponised to vindicate civil or reputational wrongs without a sufficient legal foundation. Although the petitioner is at liberty to perceive the publication and pleadings in the writ petition as damaging to his repute, it remains the case that the appropriate forum for vindication of such grievance is a competent criminal court through a defamation complaint, or appropriate civil action for damages, should he so choose.

17. 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 § 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.

18. Consequently, the petition stands **dismissed**. However, it is made abundantly clear that if the petitioner, even at this belated stage, wants to or decides to seek recourse to appropriate legal remedies, then neither this order shall come in his way nor shall be construed to have condoned any limitation under the Indian Limitation Act, 1877. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

29.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: YES.