

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-28503-2025  
Date of Decision: 11.08.2025

Shanti Saroop ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gopal Singh Nahel, Advocate  
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

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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-17207-2025, the petitioner had come up before this Court by invoking the jurisdiction of this Court under Section 379 r/w 528 BNSS.
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 01.04.2025.
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. 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.
5. 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.

6. The core grievance of the petitioner stems from the assertions made by the respondent.

7. Counsel for the petitioner submits that respondent No.4 was accused in a complaint case filed by him and he was summoned to face trial but after release on bail, he absented from the Court and declared proclaimed person on 08.09.2023. While filing CRM-M No.17207 of 2025, respondent No.4 (petitioner in that petition) made averments that he was never served in the complaint as he was out of country, however, he was appearing before the trial Court and due to his absence, he was declared proclaimed person.

8. 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.

9. 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. Moreover, he undertakes before this Court to appear before the trial Court and this Court passed the following order:

*“There is no denial to the fact that due to petitioner’s act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, he is directed to deposit costs of Rs.25,000/- with the Punjab and Haryana High Court Employees’ Welfare Association and a receipt of the same be produced before the trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day.”*

10. Perusal of the order reflect that no relaxation was granted to respondent, except to permit him to surrender and file bail petition. Moreover, that liberty is subject to costs.

11. 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.

12. 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

11.08.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: NO.