



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-61377-2023 (O&M)
Date of Decision: 28.10.2024

Vijay Lata ...Petitioner

Versus

Rajiv Arora & others ...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Petitioner – Vijay Lata in person alongwith
Mr. Aarav Gupta, Legal Aid Counsel.

Mr. S.P.Arora, Advocate, for respondent No.1.

Mr. Amarjit Singh Virk, Advocate, for respondent No.3.

GURVINDER SINGH GILL, J.

1. Petitioner – Vijay Lata, having failed earlier in about half of a dozen attempts to establish her allegations of perjury against the respondents, has filed yet another petition under Section 340 Cr.P.C. alleging therein that false averments had been made in an affidavit filed in CWP-1986-1993 by respondent No.1 – Rajiv Arora, the then Registrar, Kurukshetra University, Kurukshetra.
2. The background, in nutshell, is that pursuant to appointment order dated 25.01.1991, the petitioner joined as Lecturer in the Department of Psychology against a 'leave vacancy-temporary post' reserved for Scheduled Caste category on 06.02.1991. As per the petitioner, although she alongwith other similarly situated employees had been approved for



confirmation on 28.08.1992, but her services were terminated on 02.02.1993. The petitioner had challenged her termination order by way of filing CWP-1986-1993, wherein a Division Bench of this Court had initially granted stay in favour of the petitioner vide order dated 17.02.1993. The Kurukshetra University had filed written statement as well as an application for vacation of stay, wherein it was mentioned that the record of the petitioner was not found to be 'Satisfactory' and her overall performance was 'Poor'. The said writ petition was dismissed by this Court on 19.03.1993 while recording the following observations:

“.....Since petitioner's record was found to be poor, her services were terminated whereas other persons whose record was found to be satisfactory or good, they were confirmed. On perusal of the resolution, we find that no decision was taken that record of the persons under consideration was satisfactory or good. It was merely a proposal before the authorities for consideration of the record of such persons and the University was yet to examine the record of the individual persons. Since petitioner's performance was found to be poor, her services were terminated. She had no right to the post. This writ petition is dismissed. No order as to costs.”

3. Although the petitioner filed a review petition, but the same was dismissed and so was the SLP filed by the petitioner in Hon'ble the Supreme Court.
4. The petitioner asserts that the stand of the Kurukshetra University in its written statement that the record of the petitioner was 'Poor' was in fact against the record and is factually incorrect and as such, the respondents be taken to task for having committed the offence of perjury.



5. Respondent No.1 filed its reply, wherein the categoric stand is that the petitioner has not disclosed about all the earlier petitions filed by her seeking similar relief. The particulars of the previous petitions filed by the petitioner seeking similar relief have been mentioned in para 6 of the said reply as under:

Sr. No.	Case No.	Filing Date	Order Date
1.	CRM-M-48956-2018	31.10.2018	07.12.2019
2.	CRM-M-10355-2020	06.03.2020	16.03.2020
3.	CRM-M-43025-2020	17.12.2020	12.01.2021
4.	CRM-M-12445-2021	16.03.2021	16.06.2021
5.	CRM-M-33445-2021	16.08.2021	28.09.2023
6.	CRM-M-55152-2023	31.10.2023	21.11.2023
7.	CRM-M-3392-2020	27.01.2020	31.01.2020

6. The reply filed by respondent No.1 is also accompanied by the copies of judgments passed in the aforesaid cases except in CRM-M-3392-2020 as Annexures R-1/1 to R-1/6.

7. A perusal of judgment dated 07.12.2019 passed in CRM-M-48956-2018 (Annexure R-1/1) would show that the Court has painstakingly taken note of the previous instances of similar petitions filed by the petitioner. The relevant extract from the said judgment is reproduced herein under:

“By this petition, which was originally presented “as Criminal Writ Petition in Civil Writ Petition No.1986 of 1993”, the petitioner has termed it in the summary prayer (at the beginning of the petition) as an “application under Section 340 of Criminal Procedure Code”, seeking that charges for knowingly filing a false affidavit in CWP No.1986 of 1993 (be framed) against the respondent, on the ground that the overall performance report of the petitioner has been shown to be poor, in the written statement filed to the aforesaid Civil Writ Petition no.1986 of 1993, at the time that the respondent was the Registrar of the Kurukshetra University (that written statement having been filed in March, 1993).



The contention is that it was on account of that 'false written statement filed', the writ petition was dismissed, by which the petitioner had challenged her discontinuation/termination as a Lecturer in the said University.

At this point of time, it is not considered necessary to give the details of that petition, except to the extent that the said petition having been dismissed by a Division Bench of this Court on 19.3.1993, a review of that order was sought, which again was dismissed on 2.4.1993, after which the petitioner filed SLP No.9303 of 1993, which was dismissed by the Supreme Court on 10.8.1993.

Thereafter, she filed Civil Suit No.186 of 1994, seeking a decree of declaration and a consequential decree of mandatory injunction, to the effect that her services should not have been terminated and that she be reinstated, challenging therein also the appointment of one Naresh Kumar in her place. That civil suit having been dismissed, the appeal filed against that was withdrawn on 19.12.1997, with permission granted to her to file a fresh civil suit. That suit was also subsequently dismissed, with the appeal filed against that judgment and order also having been dismissed on 14.5.2002.

Thereafter, she instituted a complaint under the provisions of Section 340 of Cr.P.C. before learned Chief Judicial Magistrate, Kurukshetra, which was dismissed on 26.5.2007 essentially holding therein that since the alleged perjury committed was before the High Court, the CJM would have no jurisdiction to entertain the complaint.

She having filed an appeal (CRA-S-1376-SB-2007) against that order, it was stated to have been withdrawn by her on March 26, 2008.

Thereafter, she filed "Criminal Miscellaneous No. M-46849 of 2007 in CWP No.1986 of 1993," which came up before a coordinate Bench of this court and was dismissed on September 27, 2010. That order reads to say (in the initial part thereof) as follows : -

"The present petition has been filed under Section 340 Cr.P.C. with a prayer that the respondents be tried, convicted and sentenced for filing, willfully a false affidavit in Civil Writ Petition No.1986 of 1993 in which poor performance of the petitioner was averred as a reason to dispense with her services. It is stated that filing of false affidavit amounted to



cheating and defamation for charges under Sections 193, 204, 420, 468, 500 read with Section 34 IPC.”

Thus, though that petition was shown to be filed “in CWP-1986-1993”, effectively, it was a complaint/application/petition filed under the provisions of Section 340 of the Cr.P.C., with her grievance being (as stated in that order) that she had been recruited as a Lecturer in the Kurukshetra University against a leave vacancy, with her services illegally terminated, and in the writ petition filed by her, challenging such discontinuation/termination, a wrong affidavit was filed by the University.

While dismissing the petition, it was observed by this Court as follows : -

“This Court is of the view that during the course of litigation, litigants do not always take recourse to the truth. Sometime false affidavits indeed are submitted. Sometimes they are presumed to be false. The offence of perjury or filing of a wrong affidavit is an offence against the Court. It is well settled maxim that Courts will not act to satisfy the feeling of revenge of any litigant. When the conscience of Court is pricked and it arrives at a finding that due to filing of wrong affidavit, administration of justice has failed, then the Court to uphold the majesty of law do act. For each and every averment made wrongly, the litigant is not to be taken to task, especially when the affidavit so relied has been taken into consideration by the Hon'ble Apex Court to dismiss the Special Leave Petition. Thus, this Court cannot come to the rescue of the petitioner.

Hence, the present petition is dismissed.”

Still not satisfied, she thereafter filed a petition bearing no.CRM-M-32437-2010, which again came up for hearing before a coordinate Bench, with the opening paragraph of the order passed in that petition, on 12.7.2011, reading as follows : -

“This is petition under Section 340 read with 482 of the Code of Criminal Procedure (in short Cr. P.C.) for granting sanction for prosecution of the respondents for offences under Sections 193, 204, 420, 468 and 500 read with Section 34 of IPC.”



Thus, again, jurisdiction under Section 340 of the Cr.P.C. had been invoked by her, with the grievance of the petitioner in that petition, as noticed by the court in that order, again reproduced as follows : -

“Grievance of the petitioner is that respondent No.2 filed false affidavit in reply to the aforesaid writ petition resulting in dismissal of the writ petition. It is thus alleged that respondents committed the aforesaid offences by filing false affidavit. The petitioner had filed criminal complaint No.231 of 2003 before Chief Judicial Magistrate but the said criminal complaint stands dismissed for want of sanction under Section 340 Cr.P.C. Accordingly, the petitioner has approached this Court by way of instant petition.”

While noticing that earlier CRM-M-46849 of 2007 had already been dismissed, and that earlier a writ petition and an SLP also had been dismissed, the said petition, i.e. CRM-M-32437-2010, was also dismissed.

As per the petitioner (on query to her by this court), no appeal/special leave petition was filed against the dismissal of those two petitions.

Thereafter still, the petitioner filed a complaint in the court of the learned Special Judge appointed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on 21.3.2017, alleging therein that despite the Executive Council of the Kurukshetra University having approved in its meeting, held on 25.1.1991, that she be appointed as a Lecturer in the Department of Psychology in the said University, her services had been terminated, intentionally and dishonestly, by violating the rules of the University, without giving any notice to her and therefore, since she belongs to a scheduled caste, an offence punishable under the said provisions had been committed.

That complaint was dismissed by that court on 7.8.2018, against which, again admittedly, (as per the petitioner, who is present in person in Court), no appeal has been filed.

Thereafter, this petition has been filed, which as already noticed, in the headnote has been given the nomenclature of an “application under Section 340 of the Criminal Procedure Code”.

It is to be first of all noticed that in fact other than the orders passed by the Division Bench in CWP No.1986 of 1993 on 19.3.1993, in the review application on 2.4.1993 and by the Supreme Court dismissing her SLP on 10.8.1993, no other orders passed by different courts in different petitions/suits/complaints/applications filed by the petitioner, have actually been annexed by her with this petition.”

8. The facts, as recorded above by a Coordinate Bench, reveal that the petitioner is habitual of filing similar petitions under Section 340 Cr.P.C. despite the fact that none of the Courts had earlier found favour with the contentions raised by the petitioner, as are being raised now. As a matter of fact, the Courts had rather been liberal by not imposing costs on most of the previous occasions. The operative portions of the earlier orders i.e. Annexures R-1/1 to R-1/6 pertaining to ‘imposition of costs’ are as under in the tabulated form:

Sr. No.	Case No.	Date of Decision	Observations pertaining to ‘imposition of costs’
1.	CRM-M-48956-2018	07.12.2019	<i>No costs are being imposed upon the petitioner, simply keeping in view the fact that she has appeared in person and is obviously harassing herself also enough, time and again.</i>
2.	CRM-M-10355-2020	16.03.2020	<i>The petitioner, on the other hand, would appear to be liable for being penalized for wasting the precious judicial hours of this Court on such a flimsy petition. But, she is let off this time, in view of the fact that, firstly, she is a woman, and secondly, she is presumed to be not well-versed with the intricacies of the procedural law. She would be well advised to file her next round of litigation only by engaging some competent professional for that purpose, if she so chooses.</i>

3.	CRM-M-43025-2020	12.01.2021	<i>In view of the discussion above, the present petition is held to be not maintainable and is dismissed with costs. Costs are being imposed since precious judicial time, during the Covid-19 Pandemic, has been wasted on an issue which already stands decided against the petition on four earlier occasions. Costs of Rs.25,000/- be deposited with the 'Haryana Corona Relief Fund'.</i>
4.	CRM-M-12445-2021	16.06.2021	<i>Besides the present petition has been filed about 28 years after the decision of the writ petition.</i>
5.	CRM-M-33445-2021	28.09.2023	<i>Keeping in view the facts and circumstances of the case, this Court does not find any reason to initiate any complaint against the then Registrar of the University. Hence, the present petition is dismissed.</i>
6.	CRM-M-55152-2023	21.11.2023	<i>Keeping in view the facts and circumstances of the case, as well as, the pleadings and the prayer made in the present petition, this Court does not find it appropriate to initiate proceedings under Section 340 Cr.P.C., in the matter.</i>

9. Having regard to the aforesaid position, the instant petition on the same cause of action is dismissed being not maintainable.
10. However, the petitioner is warned to be careful in future and not to file successive petition/s for the same cause of action leading to wastage of precious time of Courts already battling with backlogs. Although the conduct of the petitioner would warrant imposition of costs of at least Rs.5 lakhs, but having regard to the fact that the petitioner is a lady aged about 65 years and has been appearing in person necessarily indicating



that she is not possessed of sufficient means, she is let off this time without imposing any costs.

28.10.2024

Vimal

(GURVINDER SINGH GILL)
JUDGE

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