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

CR-6853-2026(O&M)

Date of decision : 11.09.2026

Mohd. Masrool Khan

...Petitioner

Versus

Sakshi Bhat

...Respondent

CORAM:HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Sylvester Stephen, Advocate for the petitioner.

DEEPINDER SINGH NALWA, J. (Oral)

1. The present revision petition has been filed by the petitioner/defendant for setting aside of the order dated 09.04.2026 (Annexure P-9) passed by the Trial Court, whereby the application filed by the petitioner/defendant under Section 379 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') [corresponding Section 340 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.']], seeking initiation of proceedings against the respondent/plaintiff for giving false evidence on oath, has been dismissed.

2. A perusal of the facts of the case would show that the respondent/plaintiff had filed a suit (Annexure P-1) seeking a declaration to the effect that no marriage had ever taken place between the parties. During the pendency of the said suit, the petitioner/defendant filed an application (Annexure P-8) under Section 379 BNSS (Section 340 Cr.P.C.), seeking initiation of proceedings



against the respondent/plaintiff on the ground that she had made a false statement on oath before the Court. The aforesaid application (Annexure P-8) was considered by the Trial Court and the same was dismissed vide order dated 09.04.2026 (Annexure P-9). Aggrieved against the order dated 09.04.2026 (Annexure P-9), the petitioner/defendant has preferred the present revision petition.

3. Learned counsel appearing on behalf of the petitioner/defendant submits that the order dated 09.04.2026 (Annexure P-9) is liable to be set aside, on the ground that two contradictory statements cannot be given before a Court of law.

4. I have heard learned counsel appearing on behalf of the petitioner/defendant and perused the paper-book with his able assistance.

5. It is the specific case of the respondent/plaintiff before the Trial Court that her deposition, which was earlier recorded on 27.03.2017, wherein she had admitted that the marriage between the parties was solemnized on 28.04.2015 according to Muslim rites, had been made under coercion. It is settled law that if a statement is made under coercion, the same cannot, by itself, be treated as a deliberate attempt to give false evidence. The question as to whether the earlier statement made by the respondent/plaintiff was, in fact, made under coercion is a disputed question of fact, which would require detailed appreciation of the evidence. Such disputed questions cannot be determined in proceedings under Section 379 BNSS (Section 340 Cr.P.C.).



6. In view of the abovesaid facts and circumstances, this Court finds no infirmity or illegality in the order dated 09.04.2026 (Annexure P-9) passed by the Trial Court, warranting interference in exercise of revisional jurisdiction.
7. Accordingly, the present revision petition is dismissed.
8. Pending application(s), if any, shall also stand(s) disposed of.

11.09.2026	(DEEPINDER SINGH NALWA)	
<i>d.gulati</i>	JUDGE	
Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No