CRM-M-9945-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9945-2021
Date of Decision: 07.03.2025

Charan Singh ...Petitioner

Versus

Ranjit Singh …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sachin Kalia, Advocate for
Mr. R.S. Bajaj, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

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ANOOP CHITKARA, J.

1. Seeking initiation of inquiry and prosecution under Section 340 CrPC against respondent No.1, petitioner has come up before this Court under Section 482 r/w 340 CrPC.

2. When the matter was taken up on 02.09.2021, Co-ordinate Bench of this Court by giving detailed reasons arraigned State of Punjab as respondent No.2 and Senior Superintendent of Police, Kapurthala as respondent No.3 but issued notice only to respondent No.2 and 3, as such even as on date, no notice was issued to the private respondent. Even after that, when the matter was taken up, this Court did not issue notice to the private respondent. State filed its reply dated 25.04.2022 through concerned DySP.

3. I have heard counsel for the parties to ascertain whether petitioner prima facie make out a case to issue notice to private respondent or not and have gone through the pleadings and its analysis would lead to the following outcome.

4. As per petitioner's claim in para no.2, one Gurcharan Singh had filed CRWP No.4881 of 2020 seeking issuance of directions of protection of his and his family's life. Petitioner claims that in the said writ petition, statement of respondent No.1 was recorded in which he levelled allegations against the petitioner and has also termed him as land mafia and Khalistani Terrorist force member. In para no.3 of the petition, petitioner claims that while filing the said petition, petitioner had mentioned wrong facts regarding the petitioner. In para no.5, petitioner refers to some defamatory averments in the said writ petition and in para no.6, petitioner was referred as Khalistani Terrorist force member. Petitioner claims that he is patriotic, has not indulged in any activities and is not

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member of Khalistani Terrorist force member. Even no complaint was filed against him, as such petitioner seeks proceedings against respondent No.1.

5. The concerned DySP has filed its reply in which it has been mentioned that no case is pending against the petitioner. It is further mentioned that based on a complaint filed by the petitioner, an FIR is pending against respondent No.1. Even if all the allegations levelled by the petitioner are taken to be true, it would be a case for defamation and not a case to proceed under Section 340 CrPC. It appears that the petitioner is trying to circumvent the statutory provisions by putting the burden on this Court and to escape from the efforts to file complaint for defamation. In case the petitioner is aggrieved by defamatory statements, there is a statutory remedy but simply because filing of criminal complaint might be cumbersome would not entitle the petitioner to involve this Court for proceeding under Section 340 CrPC.

6. Given above, it is not a case worth issuing notice to respondent No.1.

7. Petition dismissed. All pending applications, if any also stand disposed.

(ANOOP CHITKARA)
JUDGE

07.03.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.

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