



CRM-M-23867-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRM-M-23867-2018
Decided on: 08.08.2025

Navinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Simran Kaur, Advocate and
Mr. Balwinder Singh Mann, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

Mr. A.S. Khinda, Advocate
for respondents No.2 & 3.

ANOOP CHITKARA, J.

1. Seeking initiation of criminal proceedings of perjury against respondents No.2 & 3 for their deliberate and conscious act for filing false affidavit, in CRM-M-6266-2018, the petitioner had come up before this Court by invoking the jurisdiction of this Court under Section 340 of the Code of Criminal Procedure, 1973 [CrPC] in the year 2018.
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 14.02.2018 passed in CRM-M-6266-2018.
3. Petitioner's counsel submits that respondents No.2 & 3 made false averments on affidavit in CRM-M-6266-2018 that they are unmarried and they got married on 11.02.2018. However, respondent No.3 concealed the fact that she was earlier married to the petitioner in the present petition and she left the matrimonial house of the petitioner in the present petition on the intervening night of 11-12 February 2018 along with gold ornaments and Rs 50,000/- cash regarding which complaint was filed by brother of petitioner before SHO Ramdas on dated 13-02-2018 and the copy of same is annexed as Annexure P-2. Based on such false averments supported by duly sworn affidavit, they succeeded in getting a favourable order.
4. The petitioner informs this Court that the conduct of private respondents had not only scandalised the authority of the Court but has also grievously impugned the petitioner's honour and besmirched his public image.



CRM-M-23867-2018

5. Respondent's counsel by making reference to reply dated 26.04.2019 refute the claims of previous marriage as no such proof of marriage was produced by the petitioner. Petitioner also claims that father of respondent No.3 i.e. Mangal Singh (respondent No.4) was impleaded as respondent in CRM-M-6266-2018, however he was with them in conspiracy and fully involved and helped them whereas counsel of the respondents No.2 & 3 deny the petitioner's claim of respondent No.4 helping them.

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. Upon a careful perusal of the judicial record, including the orders passed in review, it should be appropriate to refer to the protection petition filed by the petitioners i.e. the present respondents No.2 & 3 before this Court in the present petition. The said protection petition was registered as CRM-M-6266 of 2018. It was mentioned that respondents No.4 to 7 in the said petition were interfering in their lives and the petitioners were seeking protection of their lives by directing the State to save their lives. In paragraph 2, the petitioners' claimed to be major and petitioner No.1 mentioned the year of birth as 1983 and petitioner No.2 as 1992. Since the petition was filed in 2018, certainly both of them were above 18 years of age and the male above 21 years of age. Even in the memo parties, Avtar Singh's age is shown to be 34 years and age of respondent No.2 as 25 years. In para 4, it was mentioned that both the petitioners fell in love and decided to discuss about the prospects of their marriage however respondents did not agree. In paragraph 5 it was mentioned that the parents of petitioner No.2 wanted their daughter to marry as per their choice and not with the petitioner No.1. Faced with this, they decided to marry against the wishes of their parents. The petitioners claim that because of the threat at the hands of the private respondents, they are running from pillar to post to save their lives and they had also made a representation dated 11th of February 2018 to respondent No.2 to protect them and to provide them security.

8. While it is indeed open to a litigant to approach this Court under Section 340 CrPC and now in corresponding 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 Sections 340 CrPC/ 379 BNSS, 2023, is not to be set in motion lightly; it is a grave and



CRM-M-23867-2018

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.

10. 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.

11. Self-preservation is the most basic human instinct. People go to great lengths to save their own lives and those of their families, friends, colleagues, and even strangers. Protecting life is at the center of India's Constitution, and the denial of such protection might lead to the collapse of the foundation and implosion of the core. Considering the relief sought by the private respondent in the protection petition, which is so vital for saving life, this Court does not find it appropriate to initiate a proceeding under Section 340 CrPC. Moreover, there is no document i.e. marriage certificate or any other documents to prove that respondent No.3 was married with petitioner.

12. 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.

13. 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

08.08.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: NO.