

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23522-2024
Reserved on: 01.04.2025
Pronounced on: 29.04.2025

Kamaljit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. O.P. Batalvi, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

1. Seeking launch of prosecution against respondents No.4 and 5 on the allegations of misleading this Court by filing a wrong affidavit, the petitioner has come up before this Court under Section 340 CrPC.

2. A co-ordinate Bench of this Court had issued notices to respondents No. 1 to 3 i.e. official respondents and did not issue any notice to private respondents No.4 and 5. I have heard counsel for the parties to understand that whether the petitioner has made a prima facie case for issuing notices to private respondents No.4 & 5, and it is matter worth consideration or not and for that purpose I have heard counsel for the petitioner and the State counsel and gone through the reply filed by the State as well as the entire petition and its analysis would lead to the following outcome.

3. The petitioner's case is that after the death of her husband, she was running business of her husband of tralla and JCB and respondent No.5 Satnam Singh, Munshi, of Police Station Ghuman had called her regarding some false case, he took her mobile number and told that he would call her, when her presence would be required. After that, when he got to know that the petitioner is a widow, he would unnecessary call her and he started visiting her house and started pressuring her to enter into physical relations with him. Based on this, she was supposed to make relation with respondent No.5 because he would threaten her to implicate in a false case if she refuses. Based on such pressure, she shifted her children outside the district. The petitioner also approached this Court by

filing a petition bearing CRWP-2393-2024 which was dismissed as withdrawn. In the said petition, an affidavit Annexure P-2 was filed by respondent No.4 in which he was mentioned wrong facts and details.

4. Petitioner's main grounds are mentioned in para 9, 10 and 11 of the petition, which reads as follows:

"9. That in affidavit it is mentioned by respondent no.4 that brother-in-law of respondent no.5 is running tipper business and due to this reason petitioner is known to respondent no.5. It is also clearly mentioned in affidavit that respondent no.5 obtained a study loan for his son and sister of petitioner stood as surety in said loan. It is pertinent to mention here that relation between petitioner and respondent no.5 is clearly established in affidavit filed by respondent no.4 as no person would give surety without knowing other person. In present case sister of petitioner had given surety which itself establish the pressure and misuse of power by respondent no.5. Further in affidavit it is mentioned that enquiry was conducted by Inspector Yadwinder Singh in which respondent no.5 has told that he is not having mobile no of petitioner.

These stands taken by respondent no.4 raises a big question because on one instance it is submitted regarding money transaction between petitioner and respondent no.5 and on other hand, he is mentioning about statement of respondent no.5 that he doesn't have mobile no of petitioner, that too without verifying call details and record.

10. That respondent no.4 is mentioning about FIR no.21 dated 14.02.2024 registered U/s 323, 325, 34 IPC Police Station Ghuman which was registered against petitioner. It is also mentioned in Affidavit that cross DDR is also registered against wife of respondent no.5. Reality of this fact is that petitioner was assaulted and when she went to register case in police station, respondent no.5 being posted at same police station registered FIR in which his wife is complainant against petitioner just to create pressure on her.

11. That in Affidavit filed by respondent no.4 false facts and misleading facts are mentioned before this Hon'ble court in which he is mentioning about following FIR registered against petitioner -

FIR No.65 dated 08.09.2016 U/s 21 of Mining and Mineral Act Police station Ghuman.

The cancellation report is prepared by police in this FIR which is intentionally concealed by respondent no.4 in his affidavit to mislead this Hon'ble Court.

FIR No.21 dated 02.03.2020 U/s 379 IPC, 21 of Mining and Mineral Act PS Sri Hargobindpur.

The cancellation report is prepared by police in this FIR which is intentionally concealed by respondent no.4 in his affidavit to mislead this Hon'ble Court.

FIR No. 181 dated 07.08.2020 U/s 379 IPC, 21 of Mining and Mineral Act PS Sri Hargobindpur.

The cancellation report is prepared by police in this FIR which is intentionally concealed by respondent no.4 in his affidavit to mislead this Hon'ble Court.

FIR No.95 dated 13.07.2022 U/s 379 IPC, 21 of Mining and Mineral Act PS Sri Hargobindpur.

The cancellation report is prepared by police in this FIR which is intentionally concealed by respondent no.4 in his affidavit to mislead this Hon'ble Court.

FIR No.21 dated 14.02.2024 U/s 322, 325, 34 IPC, PS Ghuman.

The cancellation report is prepared by police in this FIR which is intentionally concealed by respondent no.4 in his affidavit to mislead this Hon'ble Court.”

5. It would be appropriate to refer to para 5 to 7 of the reply, which reads as follows:

“5. That the brief facts of the case are that on 27.01.2024, the petitioner entered the house of the complainant Sukhjinder Kaur, wife of Respondent No. 5 Satnam Singh, and was armed with one iron rod and gave 4 blows from the rod to Sukhjinder Kaur and threatened her that today she will teach her a lesson. That during this period the sister-in-law of complainant Shubhpreet Kaur was also present on the spot. Thereafter, the complainant informed the police, who reached the spot and got her statement recorded and also sent Kamaljit Kaur back to her house.

That further, the MLR No. 5/HS/CHC/Ghuman/2024 dated 29.01.2024 was got recorded and on the perusal of the same a DDR No. 10 dated 07.02.2024 was registered after the matter was found to be suspicious in nature. Thereafter, on the verification of the statement of complainant Sukhjinder Kaur and the facts of DDR No 10, the present FIR No. 21 (Supra) was registered in accordance with law.

6. That it is pertinent to mention here that the petitioner, after the above-said incident the petitioner also went to the Civil Hospital, Gurdaspur and got recorded her MLR No. 840/RG/28/1/24/GSP and further, on the basis of this MLR, the police recorded DDR No. 26 dated 01.02.2024, finding the matter to be suspicious. Thereafter, after the verification of the facts of

the above-mentioned DDR, the police registered a cross case vide DDR No. 33 dated 14.02.2024, in FIR No. 21 (Supra).

7. That during the investigation of FIR No. 21 (Supra), the accused/petitioner Kamaljit Kaur was arrested on 22.02.2024 and the iron rod used by Kamaljit Kaur, during the occurrence dated 27.01.2024, was also got recovered.”

6. Thus, on the face of it, there were number of FIRs registered against the petitioner for which the petitioner was called. Regarding any other act the cause of action would not be to file a petition Section 340 CrPC but a separate cause of action by taking legal action in accordance with law. It is not a case that the petitioner is unaware of her legal remedies. For that extent, in para 10 of the petition, it has been mentioned that the petitioner had filed 19 representations to the various authorities. Thus, once the petitioner can file 19 representations, she can be presumed to be fully aware of her legal rights.

7. Given such vast experience of giving representations, the petitioner must have got to know about the provisions of Section 340 CrPC and wanted to try another round of litigation by involving this Court, which cannot be done. There is not even an iota of evidence in the reply about filing of the false affidavit. A perusal of the reply does not refer to any intentionally filing of wrong affidavit. There is another aspect of the matter that the petitioner submits that in the reply details of FIR were wrongly mentioned. However, a perusal of para 8 of the reply shows that four FIRs were already cancelled and fifth FIR was under investigation. Thus, there is apparently not false disclosure of any wrong FIR in the reply. Moreover, until the Court accepts the cancellation, in legal frame work, police avoid to write cancellation of FIR but prefer to write cancellation of FIR recommended. Consequently, it is not a case for worth issuing notice to the private respondents.

8. Given above, present petition dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

29.04.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.