

2025:PHHC:068928



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

**CRM-M-27767-2025
DECIDED ON: 21.05.2025**

RAMESH ASHT

.....PETITIONER(s)

VERSUS

**STATE OF UT CHANDIGARH THROUGH POLICE COMPLAINT
AUTHORITY, CHD.**

...RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Petitioner in person.

Mr. Rahil Mahajan, Addl. PP, UT Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 482 Cr.P.C. for direction to the Police Complaint Authority, Chandigarh to decide the applicant's complaint dated 09.12.2019 under section 340, 341, 343 Cr.P.C r/w section 195 and other relevant sections of Cr.P.C first, before proceeding in the "main complaint 48/2018", pending in connection with false FIR No. 121 Dated 31.03.2016 under section 454, 380, 34 IPC, Police Station, Sector-34, Chandigarh [Similar order dated 06.11.2023 was passed by this Hon'ble Court (Certified Copy is Annexure P-1 for perusal) directing the trial court to decide the applicant's petition filed under Section 340 Cr.P.C. first before deciding the main case.

The grievance in the instant petition is that a complaint dated 01.08.2018 was moved by the petitioner against Inspector Baljit Singh, Ex. SHO/Inquiry officer, P.S. Sector-34, Chandigarh, SI Kashmir Singh, Inquiry officer, Police Post Burail, Sector-45 C, Chandigarh, Dv.D.A. (L) Chandigarh Police, Shashi Prabha and Vinay Krishan.

Thereafter, petitioner preferred an application under Section 340 Cr.P.C. read with Section 191 and 193 IPC and other relevant Sections of IPC/Cr.P.C., for giving false facts/information/affidavit in the reply filed by the answering respondents therein in context with the said complaint.

He asserts while referring to the order dated 28.04.2025 (Annexure P-4) that the aforesaid complaint as well as the application under Section 340 Cr.P.C. is being heard together which is totally bad in law, as both cannot be heard together and the complaint is still at the investigation stage, the application under Section 340 Cr.P.C. has been adjourned, to be decided along with the main complaint.

He would also refer to a similar petition bearing No. CRM-M-55350-2023 wherein order dated 06.11.2023 has been passed and in similar situation, direction was issued relying upon a case law '*Sayed Hussain vs. The Additional Principal Judge Family Court and another (2003) SCC Online All 2358*' to submit that prior to the proceedings in any case pending before the Trial Court, the application alleging forgery filed under Section 340 Cr.P.C. needs to be adjudicated upon FIRST.

Learned Counsel for UT Chandigarh would submit that the petition is totally unwarranted as it is clear from order dated 28.04.2025 (Annexure P-4), that both the complaint as well as the application under

Section 340 Cr.P.C. are being heard together and listed for today as well. He could not justify the fact that the complaint is at investigation stage and on that account it is to be adjourned along with application under Section 340 Cr.P.C. is being deferred.

In light of the aforesaid settled case law on this proposition Sayed Hussain (supra), the present petition is hereby ordered to be allowed with a direction to the respondent-Chairman, Police Complaint Authority to decide the application under Section 340 Cr.P.C. (Annexure P-5) to be heard and decided first and only thereafter, proceedings in the complaint be conducted.

21.05.2025
anuradha

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>