

2025:PHHC:073706



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

**CRM-M-29279-2025
DECIDED ON: 27.05.2025**

RAKESH NAYAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kanwaljit Singh Advocate and
Mr. Satvir Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J

1. The jurisdiction of this court has been invoked under section 528 of BNSS for issuance of direction to respondent no. 2 to 4 to take legal action against respondent no.5 for committing forgery and tampering of judicial record in the complaint dated 29.09.2017 (Annexure P-2) submitted by respondent no.5 to respondent no.3, as the official respondent no.3 has admitted in its order dated 07.04.2025(Annexure P-13) passed by him in COCP No. 1763 of 2025 titled as “Rakesh Nayar vs Himanshu Jain,IAS and Ors” in compliance of order dated 08.11.2024(Annexure P-11) as the official respondents has failed take any appropriate action despite many numerous requests.

2. Briefly put forth, the facts of the case are that respondent no.5 namely Pankaj Sharma had filed a complaint dated 29.09.2017 before the Deputy

Commissioner, Ludhiana against the present petitioner alleging that he had taken money from respondent no.5 and now he is refusing to return the same despite requesting for ample number of times.(Annexure P-2)

3. Counsel for the petitioner contends that when the complaint dated 29.09.2017 was marked to SDM, Ludhiana, the petitioner was summoned and the copy of the complaint along with statement of witness Gaurav Khanna was provided to him but later respondent no.5-the complainant realized that no offence is made out from the complaint submitted by him as in his complaint dated 29.09.2017, he had alleged that his Rs. 14,80,000/- are due however later on he realized that he had fraudulently acquired a cheque for the amount of Rs. 5,00,000/- and a photocopy of the cheque of Rs. 10,00,000/-. He further contends that Respondent no.5 in connivance with the higher authorities has committed forgery in the complaint registered by adding the word **from FY(2015-16)** after wording three years in his original complaint and also added **Both principal, interest and in the form of some goods.**

4. He also argues that on the basis of forged complaint, respondent no.5 managed to get register the FIR No. 2 dated 01.01.2019 against the petitioner at PS Focal Point under section 420 IPC.(Annexure P-7). Thereafter during the trial, Respondent no.5 appeared as PW-2 and in his cross examination at the first instance he had denied that he got examined Gaurav Khanna as a witness before the SDM but later on admitted to the fact of examining Gaurav Khanna as witness before SDM, Ludhiana. It is only when the petitioner applied the copy of the file and in the said file, both copies of complaints(original as well as forged) were part of the file, then he came to know that statement of witness Gaurav Khanna had been illegally removed and there has been a theft of the judicial record which led to filing of complaint by the petitioner dated 21.09.2024 to Deputy

Commissioner, Ludhiana for taking action against the respondent no.5 for committing forgery and tampering with the judicial record.

5. He vehemently argues that despite repeated reminders to respondent no.3, no action was taken against respondent no.5 which compelled the petitioner to approach this Hon'ble court by way of CRM-M-7735 for directing the Deputy commissioner to decide the complaint dated 21.09.2024 submitted by the petitioner and to take action against respondent no.5 for committing forgery and tampering in the complaint dated 29.09.2017 which was disposed of with a direction to the Deputy commissioner to decide the complaint in accordance with law within three weeks.(Annexure P-12). Thereafter, when the order of the Hon'ble court was not complied with, the petitioner filed COCP-1763-2025 in which the state counsel produced a copy of the order dated 04.04.2025 which was in compliance to the order dated 11.02.2025.(Annexure P-13) but despite clear and unambiguous directions of this Hon'ble court, the respondent no.3 has failed to comply with the said order in its true letter and spirit.

6. Heard counsel for the petitioner at length.

7. After examining the pleadings in the petition, the court is of the considered view that the present petition is entirely misleading, lacking any valid cause of action even upon a plain reading. Rather, the petition is wholly misdirected and does not inspire the confidence of this court with the fact that the petitioner fails to establish the fact that the directions of the court vide order dated 11.02.2025 has not been complied with in its true letter and spirit. Meaning thereby, the petitioner has used an arm twisting method only to harass respondent no.5 and pressurize respondent no.3 by repeatedly filing frivolous litigations against him.

8. The court is of the considered opinion that the problem of frivolous litigation significantly contributes to case backlogs in the courts, with such cases often stealing valuable court time and causing unjust deviation from genuine pending litigation.
9. In the light of the above, this Court is of the considered view that no case is made out in the present petition, hence the same stands dismissed.
10. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

27.05.2025
Meenu

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