



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

116

CR-5592-2025

Date of decision :22.08.2025

BALRAJ**... APPELLANT****VERSUS****M/S BASHESHAR DASS MOHAL LAL COMMISSION AGENT,
KAITHAL AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. D.P.S. Bajwa, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)

1. The petitioner through instant petition under Article 227 of the Constitution of India is seeking setting aside of order dated 18.03.2025 (Annexure P-6) passed by learned Civil Judge (Senior Division), Kaithal, vide which the application of petitioner for lodging of FIR against the respondents has been dismissed.

2. Admittedly, Respondents had filed a suit for recovery of Rs. 9,00,000/- on 05.03.2019 (Annexure P-1). Thereafter, applicant-defendant had duly appeared and filed written statement on 29.07.2019 claiming suit to be not maintainable as books of account were not produced at the time of filing of suit. It was also claim of defendant that plaintiff had played a fraud in the Court. Subsequently, he moved the present application praying that FIR be lodged against the plaintiff holding public faith in judiciary. It was noticed by learned Court of first instance that issues are yet to be framed and evidence is yet to be led and, therefore, no finding at this stage regarding fraud can be made and, therefore, no case of lodging of FIR is made out.



3. I do not find any error in the conclusion drawn by learned Civil Judge (Senior Division), Kaithal. It is pertinent to note that applicant has no locus standi to move an application for lodging FIR in a pending suit. He has got his separate remedies either under Section 156(3) Cr.P.C/equivalent Section of 156 of BNSS. He has also got remedy of taking action against the plaintiff, in case any forgery is committed by plaintiff in accordance with law. However, application for lodging FIR, when the issues are yet to be framed and evidence is yet to be led by the parties is totally mis-conceived and without jurisdiction. The revision is without any merit, hence dismissed.

22.08.2025
manoj

(PARMOD GOYAL)
JUDGE

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