



CRM-M-34695-2019

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

CRM-M-34695-2019

Date of Decision: 01.07.2025

Harpreet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.P.S. Tung, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

ANOOP CHITKARA, J.

1. Seeking initiation of proceedings under 340 CrPC against respondent No.5 for filing false affidavit in this Court in CRM-M No. 34476 of 2018 titled 'Harpreet Singh vs State of Punjab and others, the petitioner has come up before this court by filing the present petition under Section 482 CrPC.

2. Petitioner's stand is that he was injured and a medical legal report was also conducted which found five injuries on his person. Out of those five injuries, 4 were with blunt weapon and one with sharp weapon. The complainant party had connection with the ruling Congress party and one cabinet minister, Mr. Tript Rajinder Singh Bajwa, as such, on his instance, no action was taken against such assailants, but another false case was registered against the petitioner i.e. FIR No.2 dated 03.01.2018 under Sections 323, 341, 506, 295 IPC.

3. Petitioner's grievance is that despite injuries being corroborated by medical report, nothing was done and as such he filed a protection petition to consider his representation dated 08.01.2018 and the said petition was disposed of by directing the Senior Superintendent of Police, Batala to decide the representation within 60 days. The concerned SSP passed a speaking order while deciding the representation and mentioned that cross case was registered against the petitioner based on the inquiry conducted by the DSP. After that petitioner filed another petition CRM-M No. 34476 of 2018 to highlight that DDR No.54 dated 24.01.2018 was entered in which it was mentioned that the incident of cross case was false i.e. case registered against the petitioner.



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4. Petitioner claims that infact Deputy Superintendent of Police vide its report dated 18.04.2018 had mentioned that a case was made out against private respondents and the same has been approved by Senior Superintendent of Police vide No. 868-LIT dated 20.04.2018 Annexure P-3. Thus the stand of the Senior Superintendent of Police taken in the impugned affidavit Annexure P-5 is contradicted and hence prosecution.

5. State has filed a reply to the present petition. In para no.4 of the reply, it was mentioned that the Station House Officer concluded that the cross case which was registered on the basis of statement made by the petitioner was on false facts which were self created by the present petitioner and zimni was recorded. In para no.5, it has been specifically mentioned by the Senior Superintendent of Police that he has personally investigated the matter and being supervisory officer, he had inspected the cross case file and also recorded zimni in the police file. He was of the opinion that in the statement of petitioner/complainant, there were contradictions and as such in cross case cancellation was recommended.

6. The stand of the petitioner to launch prosecution under Section 340 CrPC is subverting and substituting his own statutory rights to file a private complaint in case any such offenses were committed. Instead of doing so, the petitioner is trying to circumvent by involving this Court into the dispute, which is not the purpose and objective of Section 340 CrPC.

7. Petition dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

01.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.