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

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**CRM-M-36832-2025
Decided on:20.08.2025**

Dr. Ravi Jindal and another

...Petitioners

Versus

Dr. Sudha Grover and others

...Respondents

Coram : Hon'ble Mr. Justice Rajesh Bhardwaj

Present: Mr. Rajinder Sharma, Advocate,
for the petitioners.

Rajesh Bhardwaj, J.

1. Prayer in the instant petition, filed under Section 528 of the BNSS, 2023, is for setting aside the order dated 23.10.2024 passed by the learned Judicial Magistrate 1st Class, Patiala, whereby dismissing the application filed by the petitioners under Section 340 Cr.P.C. and also for setting aside the order dated 02.06.2025 passed by the learned Additional Sessions Judge, Patiala whereby dismissing the appeal filed by the petitioners against the order dated 23.10.2024.

2. Learned counsel for the petitioners has submitted that petitioner no.1 is a qualified doctor and respondent no.9 Dr. Ratika Jindal, wife of petitioner no.1 (now divorced), vide application dated 18.03.2014, applied before the Competent Authority for registration of the Ultra Sound and IVF Centre in the name of Shri C.D. Jindal Memorial Umeed Test Tube Baby Centre (for short "Centre"), in accordance with the provisions of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act & Rules, 1996 (for short "PC & PNDT Act & Rules"). On

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verification of requisite formalities, Registration Certificate dated 04.09.2014 was issued in the name of Shri C.D. Jindal Memorial Umeed Test Tube Baby Centre with petitioner no.1 as its Director vide inspection report dated 18.07.2014 and Dr. Ratika Jindal being the authorized person to sign on behalf of the organization. However, unfortunately, there arose a family dispute between petitioner no.1 and his wife Dr. Ratika Jindal and hence, Dr. Ratika Jindal wanted to take away the equipments of the Centre. After police complaints, the matter was compromised between the parties on 30.06.2015. Thereafter, the relationship between both petitioner no.1 and Dr. Ratika Jindal deteriorated and the parties could not proceed further in view of the compromise dated 30.06.2015.

3. It is contended by learned counsel for the petitioners that Dr. Ratika Jindal impressed upon the authorities to proceed with the matter as per her own wishes and she used the authorities as a tool to interfere in the private affairs of the parties. On the basis of the request made by Dr. Ratika Jindal vide letter dated 29.09.2017, the registration of the Centre was cancelled on her request and vide order dated 29.09.2017, the team was constituted to transfer the ultrasound machine to the Civil Hospital, Samana. Resultantly, the team went to the Centre, sealed the machine and custody thereof was handed over to the Civil Surgeon, Patiala. As the orders passed by the authorities were illegal, petitioner no.1 made complaints to the authorities vide various representations. Thereafter, on the basis of the letters received from Dr. Ratika Jindal and illegal orders passed by the authorities, a criminal complaint dated 19.01.2018 was filed against the petitioners in the Court of learned JMJC, Patiala, under Rules 18(A)(ii), 18(A)(7)(iv), 11(1)(2) and 3(A) of the PC &

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PNDT Rules, Sections 5, 6 and 23 of the PC & PNDT Act and Sections 353, 340, 120-B and 34 of the IPC. The learned JMIC, Patiala, after examining the preliminary evidence, vide its order dated 11.05.2018, summoned the petitioners for violation of the provisions of the PC & PNDT Act & Rules. Aggrieved against the said summoning order, the petitioners filed revision petition before the learned Additional Sessions Judge, Patiala who, vide its order dated 13.02.2020, set aside the summoning order dated 11.05.2018 and remanded the matter back to the learned JMIC, Patiala, for further inquiry. After remand, the learned JMIC, Patiala, again summoned the petitioners vide its order dated 06.05.2025, which order was again assailed by the petitioners before this Court by way of filing CRM-M-30839-2025, in which notice was issued by this Court vide order dated 29.05.2025.

4. It is submitted that as the criminal complaint was filed by respondent no.9 in connivance with the other respondents, on the basis of forged and fabricated writings and false statements, therefore, the petitioners filed an application dated 19.12.2020 under Section 340 Cr.P.C. in the Court of learned JMIC, Patiala, against the respondents with a prayer to conduct inquiry against them and vide its order dated 03.08.2022, the learned JMIC, Patiala directed the petitioners to lead the preliminary evidence. However, the learned JMIC, Patiala dismissed the same vide its order dated 13.07.2023 holding the application as not maintainable. Aggrieved against the order dated 13.07.2023, the petitioners filed an appeal before the learned Additional Sessions Judge, Patiala who, vide its order dated 04.03.2024, set aside the said order and remanded the case back to the learned JMIC, Patiala, to decide the application under Section 340 Cr.P.C. afresh. However, on remand, the learned JMIC,

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Patiala, again dismissed the same vide its order dated 23.10.2024 and the appeal filed by the petitioners, assailing the order dated 23.10.2024, has also been dismissed by the learned Additional Sessions Judge, Patiala, vide its order dated 02.06.2025.

5. Learned counsel for the petitioners has vehemently contended that the impugned orders passed by the lower Courts are totally illegal, arbitrary and being unsustainable in the eyes of law, deserve to be set aside. He submitted that it has been specifically pleaded by the petitioners that there was an endorsement in Ex.C25 of the Diary Clerk of the Receipt Section at 05:00 pm on 29.09.2017, meaning thereby that the letter issued to Dr. Ratika Jindal for handing over the ultrasound machine reached to the Diary Clerk at 05:00 pm when the office hours ended. Further, vide Ex.C33, a letter written by Dr. Ratika Jindal to the authorities, it is claimed that she received the letter dated 29.09.2017 (Ex.D25) on 01.11.2017. Thus, it was impossible for the team to reach at the Centre at around 02:30 pm on 29.09.2017 to take custody of the ultrasound machine and the said document Ex.C25 was fabricated only to justify the illegal action of team to visit the Centre. It is submitted that though there were allegations against the petitioners regarding threatening and creating hurdles in discharge of the official duties of the team, however, the learned JMIC, Patiala, did not summon the petitioners for the alleged offences under Sections 340/353/34/120B IPC, meaning thereby the complainants made false affidavit in that regard. He submitted that the document Ex.C25 was forged by the complainants and the complaint was supported by the false affidavits. He submitted that in view of the mandate of Section 340 Cr.P.C., it was expedient in the interest of justice to order inquiry

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against the respondents for forging and fabricating the documents and initiating prosecution against the petitioners in a clandestine manner. However, both the Courts have failed to appreciate the same. In support of his submissions, learned counsel for the petitioners relied upon two judgments of the Supreme Court rendered in the cases of **George Bhaktan vs. Rabindra Lele and others**, 2014(15) SCC 227 and **R. Karunakaran vs. T.V. Eachara Warriar and another**, 1978(1) SCC 18. He also relied upon a Single Bench judgment of this Court rendered in the case of **United Bank of India and another vs. State of Haryana and others**, 2024 NCPHHC 42380. It is, thus, submitted that the impugned orders, being volatile of the law settled, deserve to be set aside.

6. I have heard learned counsel for the parties and perused the available record with their able assistance.

7. It is discernible from the facts and circumstances of the case and the arguments advanced that the dispute involved in the present case is regarding initiation of the inquiry on the application filed by the petitioner under Sections 340 Cr.P.C. The petitioners had been summoned by the learned trial Court in the complaint filed under various provisions of the PC & PNDDT Act & Rules and the IPC. The summoning order had been challenged by the petitioners before the learned Appellate Court in the first round, in which the matter was remanded back and the learned JMIC was directed to decide it afresh. Later on, the learned JMIC again summoned the petitioners for facing prosecution, which was in the second round also challenged by the petitioners; however, the learned Appellate Court had dismissed the same. The submissions made by the learned counsel for the petitioners is that the timings

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of raid by the Medical Team of the premises could not be possible in view of the timings as shown on the documents. He has submitted that the affidavits submitted by the respondents in support of their complaint are false and frivolous. However, the Court cannot ignore the fact that the contentions raised by learned counsel for the petitioners are regarding the documents on the basis of which the prosecution has been launched against them in the complaint. All these documents furnished by the authorities/investigating agencies would be appreciated by the trial Court during trial and the petitioners would also have right to cross-examine the prosecution witnesses in regard to those documents. It would be only during the trial that the contradictions, as contended, would be appreciated for invoking the provisions of Section 340 Cr.P.C. For ready reference, Section 340 Cr.P.C. is reproduced here-as-under:-

“340. Procedure in cases mentioned in Section 195.--

(1) When upon an application made to it in this behalf or otherwise any Court is of opinion that it is expedient in the interest of justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary, -

- (a) record a finding to that effect;
- (b) make a complaint thereof in writing;
- (c) send it to a Magistrate of the first class having jurisdiction;
- (d) take sufficient security for the appearance of the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such magistrate; and

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(e) bind over any person to appear and give evidence before such Magistrate.

(2) The power conferred on a Court by sub-section (1) in respect of an offence may, in any case where that Court has neither made a complaint under sub-section (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub-section (4) of Section 195.

(3) A complaint made under this section shall be signed, --

(a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint;

(b) in any other case, by the presiding officer of the Court[or by such officer of the Court as the Court may authorise in writing in this behalf.

(4) In this section, "Court" has the same meaning as in Section 195.

8. Hon'ble the Supreme Court, in the case of **Sachida Nand Singh and another vs. State of Bihar and another**, (1998) 2 SCC 493, while dealing with the question whether a prosecution can be maintained in respect of a forged document produced in a court unless complaint has been filed by the Court concerned in that behalf, had held as under:-

“18. Of course in the end of that decision it was mentioned that prosecution on the basis of a private complaint, in the absence of a complaint from appropriate civil court, is not sustainable. Learned Judges made reference to the decisions in **Patel Laljibhai Somabhai** (AIR 1971 Supreme Court 1935) (cited supra) and **Goswami vs. High Court of M.P.**, 1979(1) SCC 373, and observed that the ratio in those decisions support the view taken by them. The forgery alleged in Goswami's case took place during the period when the document in question was in the custody of the court and in such a case the bar under Section 195(1)(b)(ii) would certainly apply. But, with

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great respect, we are unable to agree that the ratio in **Laljibhai Somabhai** would support the conclusion reached in **Gopalakrishna Menon's case (supra)**.

9. Hon'ble Supreme Court in case of **Iqbal Singh Marwah vs. Meenakshi Marwah**, (2005) 4 SCC 370 has held that in view of the language used in Section 340 Cr.P.C., the Court is not bound to make a complaint regarding the commission of an offence referred to in Section 195(1)(b) Cr.P.C. as the Section is conditioned by the words 'court is of opinion that it is expedient in the interest of justice'. This shows that such a course will be adopted only if the interest of justice requires and not in every case.

However, all the judgments relied upon by learned counsel for the petitioners are distinguishable and rather support the case of the respondents.

10. Weighing the facts and circumstances of the present case on the anvil of the law settled, this Court finds itself unable to differ from the view taken by both the Courts below and hence, finding no merit in the present petition, the same is hereby dismissed.

August 20, 2025
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(Rajesh Bhardwaj)
Judge

Whether Speaking/Reasoned: NO/YES
Whether Reportable: NO/YES