

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-37316-2025 (O&M)
Decided on: 01.08.2025

Kanwarjit Kaur ...Petitioner

Versus

Gian Chand Garg ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jashandeep Singh, Advocate and
Ms. Anjali, Advocate
for the petitioner.

ANOOP CHITKARA, J.

CRM-29591 of 2025

Vide this application, the applicant-petitioner seeks the connection of the present petition with CWP-9771-2024, which is pending before another bench of this Court.

The grounds taken for connection are that the outcome of this petition would have a bearing on the rights of the parties and vice versa. I have heard counsel on this aspect and in my considered opinion, proceedings under Section 340 CrPC are independent and as such, even if the petition's decision goes against the petitioner or respondent, it cannot have any bearing on the outcome of that petition.

Given above, the application is dismissed.

Main case

1. Seeking initiation of an inquiry under section 379 of BNSS 2023 for proceeding against the private respondents for committing perjury, for fabricating documents and creating false evidence in CWP-9771-2024, the petitioner has come up before this court.
2. I have heard counsel for the petitioner to determine whether the matter is worth issuing notices or not and its analysis would lead to the following outcome.
3. The petitioner claims that respondent Gian Chand Garg had filed a Civil Suit No. 2156 of 2023 against the present petitioner and others, seeking declaration and permanent injunction concerning House number 2075, Sector 15 C, Chandigarh, which is now pending before the Court of Chief Judicial Magistrate, Chandigarh. In this said Civil Suit, the trial court vide order dated 18th November 2023, had passed an ex-parte interim order, directing the parties to maintain status quo regarding ownership of the property till the next

date of hearing. The petitioner had no knowledge of the said order till 8th of December 2023, when she had executed the sale deed.

4. After that, respondent filed a writ bearing number CWP-9771-2024 in this Court, where he made a false statement on oath, in paragraph 4 of the Writ petition, which reads as follows:-

“4. That the Ld. SJSJ Chandigarh vide order dated 18.11.2023 issued the direction to maintain status quo qua the ownership of the suit property i.e. H.No.2075, Sector 15 Chnadigarh, till next date i.e. 11.12.2023. In this suit, Smt. Kanwarjit Kaur w/o Harinder Pal Singh was respondent No.3(i) and she was conveyed through Whatsapp on 22.11.2023 and in reply to the sender of this message she congratulated him on whatsapp on Gurupurav day. Photocopy of the order dated 18.11.2023 and photocopy of the whatsapp message dated 22.11.2023 are annexed herewith as Annexures P-1 & P-2.”

5. The petitioner's grievance is that while filing CWP-9771-2024 in this Court, the respondent Gian Chand Garg intentionally and deliberately made a false statement on oath. The petitioner's further grievance is that respondent had made an identical statement in multiple judicial proceedings including Civil Suit No. 2156 of 2023, Contempt petition i.e. Civil Miscellaneous No. 141 of 2024 under Order 39 Rule 2A CPC, and in Civil Suit No.687 of 2024. In all these matters, he had consistently claimed that the status quo order was served upon him through WhatsApp message on 22nd November 2023 i.e. after four days of the order, which was passed on 18th November 2023. The petitioner further claim that after the execution of the sale deed, the respondent Gian Chand Garg filed a complaint against the petitioner before the Tehsildar for taking action that the sale deed was executed by concealing the orders of status quo, which was marked by Tehsildar to the Superintendent of Police, Chandigarh, for investigation regarding the existence of some WhatsApp messages on which the stay order was conveyed.

6. The petitioner further submits that Gian Chand Garg made a false complaint before the police authorities and in the inquiry, the Deputy Superintendent of police, in his investigation report, agreed with the Inquiry Officer, SHO, Sector 17 Police Station, Chandigarh who concluded that it is not proved that the stay order was conveyed through a WhatsApp and no police action is required because the matter is civil in nature and subjudice before the court.

7. The petitioner's further grievance is that despite numerous requests to the investigating authorities to inquire into the WhatsApp messages that were sent, the same was not done. She further submits that in CWP No. 9771 of 2024, the respondent Gian Chand Garg had explicitly claimed that the petitioner had congratulated him on WhatsApp

on Gurupurab day in response to the alleged court order. Thus, the petitioner's case is that respondent Gyan Chand Garg fabricated and concocted a false story to mislead the court, which would initiate action under Section 233 of BNS i.e. for using evidence known to be false as correct, which is a penal offense. In addition to that, the petitioner seeks the imposition of a penalty under sections 227, 228, and 246 of BNS for giving false evidence.

8. The Petitioner's counsel submits that respondent Gian Chand Garg has made false statements and committed perjury, which has seriously prejudiced her and she has been subjected to false proceedings before this court and other courts, which has tarnished her image and reputation and wasted her valuable time and also the valuable judicial time. The petitioner thus seeks initiation of proceedings against the respondent Gian Chand Garg under Section 379 BNSS.

9. An analysis of all the pleadings taken in the present petition clearly point out that the purpose of the respondent to approach this court was a violation of a stay order obtained by him against the present petitioner. The reasons for which respondent had filed the Civil Writ Petition is immaterial to decide the present petition under 379 BNSS. Whatever may be the reasons for filing the petition, this Court is concerned with the false and fabricated evidence and wrong stand taken by a person in initiation of judicial proceedings, which does not appear to be the instant case. The petitioner's grievance is about WhatsApp message, which, according to her, was never received by her, but the respondent claims that petitioner has received it. This is a disputed question and needs to be adjudicated after leading evidence and counter evidence.

10. For the purpose of proceeding under Section 379 BNSS, the scope and the legislative intention is much different than what the petitioner is trying to convey to this court. It is not that in every case even including disputed questions of fact which are still pending adjudication, this court should initiate an inquiry under 379 BNSS, this cannot be the purpose of legislation.

11. While it is indeed open to a litigant to approach this Court under Section 340 Cr.P.C./ 379 BNSS when a party is alleged to have willfully and knowingly made false statements on oath before a judicial forum, thereby potentially attracting the offence of perjury or fabrication, the invocation of such extraordinary remedy must be predicated upon compelling material, the machinery under Section 340 Cr.P.C./ 379 BNSS is not to be set in motion lightly; it is a grave and solemn jurisdiction meant to preserve the sanctity of judicial proceedings and hence, not to be wielded as a weapon of retaliation.

12. It is axiomatic that the criminal process must not be weaponized to vindicate civil or reputational wrongs without a sufficient legal foundation. Although the petitioner is at liberty to perceive the publication and pleadings in the writ petition as damaging to her repute, it remains the case that the appropriate forum for vindication of such grievance is a

competent criminal court through a defamation complaint, or appropriate civil action for damages, should she so choose.

13. In light of the foregoing discussion and bearing in mind the peculiar facts and circumstances of the present case, this Court finds no sufficient justification to proceed against the respondent under Section 340 Cr.P.C./ 379 BNSS. The statutory threshold for invoking such jurisdiction has not been satisfied, and accordingly, this Court refrains from exercising its discretion in favour of the petitioner.

14. Consequently, the petition stands dismissed. However, it is made abundantly clear that the petitioner shall remain at liberty to seek recourse to appropriate legal remedies, including but not limited to, initiation of proceedings under Section 499 of the Indian Penal Code or any other civil or criminal remedy available to her under law.

15. All pending applications, if any, stand disposed of in view of the dismissal of the main petition.

(ANOOP CHITKARA)
JUDGE

01.08.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.