



CRM-M-41245-2025

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

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Decided on: 05.08.2025

Dharam Giri

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sahil Gupta, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

1. Seeking initiation of an inquiry under Section 379 r/w 528 of BNSS 2023 for initiating criminal proceedings against respondents No.2 to 4 for giving false statements in Mediation case No. 261 of 2023, based on which a written compromise dated 18th December 2024 (Annexure P-2) was entered between the parties and relying upon such compromise, CRWP No. 12148 of 2022 was disposed of by this Court vide order dated 28th February, 2023 (Annexure P-3), the petitioner has come up before this Court by filing the present petition.

2. I have heard counsel for the petitioner and have also gone through the entire petition to ascertain that whether the matter is worth issuing notices or not and its analysis would lead to the following outcome.

3. The petitioner's grievance is that he had filed a Criminal Writ Petition bearing number CRWP-12148 of 2022, for issuance of Writ in the nature of mandamus seeking directions against respondents No.2 to 4 to protect his life and liberty for the reasons that private respondents in collusion with others were harassing, humiliating and extending continuous life threats to the petitioner and his family members with the help of some unknown persons. The entire intention of the private respondents was to grab the agriculture land of the petitioner.

4. Vide order dated 30th of January, 2023, a Coordinate Bench of this Court took up the petition and with the consent of parties, the matter was referred for mediation before Mediation and Conciliation Center of this Court for 08th February, 2023.



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5. After that, the petitioner as well as private respondents No.2 to 4 appeared before the Mediation and Conciliation Centre in case No. 261 of 2023 and on 18th December, 2024, the parties arrived at a settlement and a compromise was effected into writing, which is annexed as Annexure P-2. After the settlement, the main case was disposed of vide order dated 28 February 2023 (AnnexureP-3).

6. A perusal of Annexure P-3 i.e. order dated 28.02.2023 passed in CRWP-12148-2022, it appears that Coordinate bench of this Court had closed the matter by disposing it of, based on the ground that matter having amicably been resolved between the parties and both parties were directed to abide by the terms of the compromise.

7. The petitioner's grievance is that petitioner and private respondents No.2 to 4 are real brothers and they had a joint land. As per the terms of the compromise dated 18.12.2024 (Annexure P-2) it was explicitly mentioned that if Dharam Giri would file a suit for partition with regard to above mentioned joint land to get his share separate or would file any suit/civil proceedings with regard to the correctness of the revenue entries before Revenue Courts, the second party will not interfere in any manner in the property of the petitioner and in case petitioner wants to sell the share of joint land, it should be permitted. Since the petitioner was in dire need of funds, he sold some of his land, vide sale deed dated 7th July 2025.

8. The petitioner's grievance is that as soon as respondents No.2 to 4 got to know about the execution of the sale deed, they gave an application to Sub Registrar to Dudhan Sadhan with prayer not to sanction the mutation in the name of purchaser, which is violation of the terms of compromise. Thus, the petitioner's grievance is that at the time of entering into a settlement before this court in CRWP No.12148 of 2022, the promises were made by respondents No.2 to 4, which were taken back, not obeyed with by filing an application to the Registrar for not registering the sale deed, as such he is seeking initiation of inquiry against the private respondents under Section 379 BNSS. It has been brought to the notice of this court that one Civil Suit has been filed by Hukam Gir, Karam Gir, Rakevjit Singh and Balwinder Kaur against Kulwant Kaur, the purchaser. The said civil suit is filed through a plaint dated 05th July 2025.

9. An analysis of the entire pleadings and the factum of a civil suit clearly points out that the matter is purely personal between the parties, and now they also want to drag this Court in their private dispute. The purpose and objective of Section 379 BNSS is not to enter into the disputes of private people, but only to ensure that the decorum of the Court is made in terms of the provisions thereof. For non-compliance of settlement or respondent back tracking from his assurance, remedy lies elsewhere and not u/s 379 BNSS, for which petitioner is at liberty. This is not a case where the Court's decorum is being affected or

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any violation of 379 BNSS is prima facie carried out.

10. Given above, the petitioner has failed to make out a case for issuance of notices or to make out a prima facie case. Consequently, the petition is dismissed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.08.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.