



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CRM-M-62839-2024
Date of Decision: 03.04.2025

SURESH KUMAR Petitioner
Versus

STATE OF PUNJAB AND ORS Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present Mr. Shreesh Kakkar, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G, Punjab.

ANOOP CHITKARA, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS, 2023 read with erstwhile Section 340 CrPC seeking an order to initiate criminal proceedings against respondent No. 5 for giving false affidavit about his job designation, place of posting and address.
2. I have heard counsel for the petitioner to ascertain whether the case is worth issuing notice to the private respondents or not, I have also gone through the record and its analysis would lead to the following outcome.
3. The petitioner's grievance emanates from CWP No.3635 of 2024 filed by respondent No. 5 and another. The said writ petition was decided by a co-ordinate Bench of this Court on 18.09.2024 and the reasons for decision was based on the reply filed by the State. Counsel for the petitioner did not argue about the fact that whether anybody had challenged the said order before the Division Bench or not. Learned Single Judge disposed of the said writ petition as having infructuous for the reasons that as per report dated 28.06.2024 which has already been forwarded to the competent authority and as per the said report, no case of vigilance is made out and the matter was already sent to Director, Education Department, SAS Nagar, Punjab for further action.
4. The reasons for which the petitioner seeks initiation of proceedings against respondent No.5 are mentioned in paragraphs 7, 8 and 10 of petition, which reads as follows:

*“7. That it is pertinent to mention here that Respondent No.5 filed the
aforementioned writ petition before this Hon'ble Court in the Month of*



February, 2024 and in the affidavit in support of the same had incorrectly stated his designation, place of posting and address, which in fact is false as the Respondent No. 5 had been transferred vide order dated 30.06.2023 and as is evident from the Voters List, the Respondent No. 5 had shifted to a different place than and has since been residing at a place different than stated in the said affidavit. Copy of the said affidavit, transfer order and copy of the voters list depicting the deletion of the name of Respondent No. 5 and his family members is annexed as ANNEXURE P-4, P-5 and P-6, respectively.

8. That it would not be out of place to mention here that the signatures of Respondent No. 5 affixed with the aforementioned writ petition and the affidavit thereto, do not match with the official signatures of Respondent No.5 that come forward on the ACRS, which also have been alleged to be tampered with by Respondent No.5 in order to defeat the purpose of the Petitioner to seek justice who has continuously been harassed by Respondent No.5 being his higher authority in service. For the perusal of this Hon'ble Court copy of the FSL report dated 24.10.2024 depicting the difference in the signatures of Respondent No.5 is attached as ANNEXURE P-7.

10. That keeping in view the facts and circumstances as explained above, the petitioner herein filed a complaint dated 19.08.2024 before the concerned authorities seeking appropriate action against Respondent No.5 for filing a false complaint, giving false affidavit and making false statements before this Hon'ble Court and harassing him time and again, making him run from pillar to post seeking justice and justifying himself for acts far from truth, allegations made against him on false statements and causing harm to the reputation of the Petitioner and in addition thereto, also causing financial loss to the Petitioner. Copy of the said complaint dated 19.08.2024 made by the Petitioner is annexed as ANNEXURE P-9.”

5. Main grounds of the petitioner are that Annexure P-5 show his transfer from the place of posting which is written in the affidavit and Annexure P-6 shows deletion of his name from voter list and Annexure P-7 reflects that signatures are not related to respondent No. 5. Petitioner himself demolished his case by filing Annexure P-7, if the signatures are not related to petitioner, in that case no prosecution can be launched against him for filing wrong affidavit. Annexure P-6 does not speak about the date of deletion of his name from the voter list, when petitioner was transferred on 30.06.2023 after that he got deleted his family member

names from the voter list to shift at a new station. Some times, after transfer from one station to other, employee keep their previous station due to the reason of children education or for other family reasons. As such, these are not ground to proceed against the private respondents.

6. Once a co-ordinate Bench had decided the writ petition and no averment has been made in the order about filing of false affidavit, before the petitioner can come to this Court, it is important that he could have taken the said matter before the appropriate authority which was not done. Even otherwise, this Court does not deem it appropriate to proceed under Section 379 BNS/340 CrPC in the given discussion in para above and neither any object will be achieved nor any purpose would be served by initiating proceedings against respondent No.5 at this stage, more particularly, considering the observations made by the Single Judge while deciding the writ petition. Thus, it is not a case of worth issuing notice and the same is dismissed. All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

03.04.2025
Jyoti-II

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No