

CRM-M-65119-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-65119-2024
Reserved on: 08.08.2025
Pronounced on: 29.08.2025

Satdev Singh

...Petitioner

Versus

Jagjit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.B.S.Sobti, Advocate
for the petitioner.Mr. Namit Gautam, Advocate
for the respondent.

ANOOP CHITKARA, J.

1. Seeking initiation of criminal proceedings against the respondent for having allegedly made deliberate, false, and malicious averments, accompanied by a false affidavit, in CR-3759-2023, the petitioner had come up before this Court by invoking the jurisdiction of this Court under Section 379 r/w 215(1) (b) BNSS, 2023.
2. Counsel for the petitioner submits that respondent Jagjit Singh, son of Gian Singh, deliberately and knowingly made a false and incorrect statement in Civil Revision No.3759 of 2023 (O&N), accompanied by a false statement on oath (Affidavit), with the intent to mislead this Hon'ble Court and to gain an unfair advantage over petitioner who was tenant in that petition, aiming to interfere with the administration of justice and said civil revision petition was disposed of ex-parte vide order dated 21.08.2023. In para no.16 of the said petition, wrong averments were made and contains the entirely forged and false statement, which reads as follows:

"16. That no such or similar petition has either been filed by the petitioner either in this Hon'ble Court or Hon'ble Supreme Court of India".

3. Counsel for the petitioner further submits that a Civil Revision No. 1747 of 2022 was pending when the respondent filed the petition as mentioned above, supported by an affidavit which is still pending before this Court fixed for 04.09.2025. He further submits that through order Annexure P-1 on 1.08.2023, the Co-ordinate Bench of this Hon'ble Court, after giving directions to the then Rent Controller Ludhiana, disposed of the said petition. Respondent knowingly withheld the pendency of CR No.1747 of 2022, had the respondent disclosed this petition, it is highly likely that the civil revision petition of the respondent bearing No.3759 of 2023 would have been assigned to the same Hon'ble

Bench and would have been heard together. However, this was a deliberate and intentional move by the respondent to mislead this Hon'ble Court and to seek and secure an unfair advantage over the petitioner.

4. Counsel for the petitioner submits that while filing petition, he concealed the pendency of earlier petition and disclosed wrong facts on duly sworn affidavit and due to which Registry could not list the said petition with the earlier petition which is also a violation of Order VII Rule () CPC. Not only this, he further concealed the order of Hon'ble Apex Court from the trial Court and also avoided proceedings in CM No.22900-CII of 2024 filed by the petitioner for re-calling of order dated 21.08.2023 passed in the petition filed by respondent.

5. On the other hand, counsel for the respondent submits that he is a man of 92 years age born on 24.07.1932, and who has been harassed and tortured at the hands of the petitioner who being tenant, is making every effort to delay the adjudication of the rent petition, i.e., RP/228/2019 titled 'Jagjit Singh Vs. Satdev Singh,' filed by him which is evident from the orders passed by Ld. Rent Controller in RP/228/2019 titled 'Jagjit Singh Vs. Satdev Singh'. The only motive of the petitioner is that the respondent, who is 92 years old, does not live to see the outcome of the ejectment petition filed by him in 2019. He further submits that the entire allegations levelled by the present petitioner are false and lack any basis and there is no relevant concealment, misrepresentation, or false accusation as alleged by the petitioner.

6. Counsel for the respondent further submits that in CR-1747-2022, impugned is Judgment dated 26.04.2022 passed by the Learned Appellate Authority, Ludhiana which pertains to the rent appeal RA/268/2019 against the order dated December 10, 2019, passed by the then Learned Rent Controller, Ludhiana wherein the prayer of provisional rent assessment was denied and referred to Annexures R-1 and R-2. In this revision petition CRR-1747-2022, the Hon'ble Court vide order dated 09.05.2022 (Annexure P-4) was impugned, issued notice to the respondent and ordered to deposit 50% of the total amount assessed by the Rent Controller, along with interest and costs to the respondent (petitioner herein). He further submits that in para no.8 of revision petition (Annexure P-2), i.e., CR-3759-2023, there is specifically reference to CR-1747-2022. It is important to note that the issue in CR-1747-2022 is entirely separate from the issue in CR-3759-2023. However, respondent appeared in CM-22900-CII-2024 in CR-3759-2023 seeking to recall the ex parte order dated 21.08.2023 (Annexure P-1) filed by petitioner and filed his reply as well.

7. An analysis of the arguments and the record leads to the following outcome.

8. First of all is relevant to see what the order this Court has passed in CR No.3759 of 2023, the relevant portion of which is reproduced below:

“4. Keeping in view the aforesaid facts and circumstances of the case, the instant revision petition is disposed of with a direction to the Court of Rent Controller, Ludhiana to decide the Rent Petition bearing No.RP/228/2019 titled as ‘Jagjit Singh vs. Satdev Singh’ preferred by the petitioner/landlord within a period of six months from the date of receipt of certified copy of this order.

5. Given the nature and facts of this case, this Court is not inclined to issue notice to the respondent to avoid unnecessary expenditure which he will incur for his appearance and to engage a counsel.”

9. Perusal of the order does not reflect that respondent took any advantage. This Court only directed the concerned Court to expedite the disposal which is a request of every litigant/citizen even of petitioner and no adverse order was passed against the respondent (petitioner herein). Moreover, in para no.8 of the petition, there was specific reference of the earlier petition pending before this Court, from which it appears that there was no concealment.

10. It is crucial to define the scope of the current inquiry, which is limited solely to assessing whether there is enough prima facie material to initiate proceedings under Section 379 BNSS, 2023 against the respondent for the petitioner’s claims of false and scandalous statements in the aforementioned revision petition that allegedly violated the integrity of judicial proceedings and caused reputational harm to the petitioner.

11. The process under Section 340 CrPC/379 BNSS, 2023, should not be taken lightly; it is a serious and solemn authority meant to maintain the integrity of judicial proceedings and should not be used as a tool for retaliation.

12. In *Jarnail Singh and others v. The State of Haryana*, [Neutral Citation 2023-PHHC-044843-DB], a division bench of Punjab and Haryana High Court observed,

[12]. It can, therefore, be safely said that in the process of formation of an opinion by the Court, it is for the Court to take a decision whether to hold a preliminary enquiry or not as there is no such mandate under the statute. In case, the Court is otherwise in a position to form such an opinion that it appears to the Court that an offence, as referred to under Section 340 Cr. P.C., has been committed, the Court may proceed without holding a preliminary enquiry. Once an opinion has been formed with regard to the offence having been committed under Section 340 Cr. P.C., the Court needs to make a complaint in writing and the same has to be sent to a Magistrate of competent jurisdiction. The Magistrate has to deal with such a complaint under Section 343 Cr. P.C. as if it was instituted as a police report.

13. Considering the above discussion and the specific facts and circumstances of this case, this Court finds there is no sufficient reason to proceed against the respondent who is 92 years of age under Section 379 BNSS, 2023. The legal standard for exercising such jurisdiction has not been met, and therefore, this Court declines to use its discretion in favour of the petitioner.

14. As a result, the petition is **dismissed**. However, it is explicitly stated that the observations made above shall not be used in any other proceedings by or against any of the parties. All pending applications, if any, are closed.

(ANOOP CHITKARA)
JUDGE

29.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: NO.