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

**CRM-M No.16566 of 2026
Date of Decision: 30.03.2026**

Sonia Shaheen

..... Petitioner

Versus

Mohd. Owais

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ayush Sarna, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for initiation of proceedings for forgery, perjury and fabrication of false evidence given in CRM-M-4428-2026 titled as 'Mohd. Owais vs. State of Punjab and others', which was already decided on 30.01.2026. Further prayer has been made for holding a preliminary inquiry into offences of forgery, perjury and fabrication of evidence and direct forensic examination of signatures and affidavit.

2. It has been contended by learned counsel for the petitioner that the petitioner was working as English Lecturer and belongs to modest family background. He has submitted that due to financial hardships and illness of her father, the petitioner, while pursuing her studies, has approached the Ahl-e-Hadith School, Malerkotla for part time employment, where she came in contact with the respondent. He has



submitted that for taking advantage of the petitioner's vulnerable condition, the respondent induced her with false assurances of marriage and gradually established personal relations with her. He has submitted that the respondent repeatedly exploited the petitioner and forcibly established physical relations with her and thereafter, threatened to upload her private photographs. He has submitted that the respondent has also refused to marry the petitioner. He has further submitted that the petitioner approached various authorities but no action was taken against the respondent. He has submitted that the petitioner initiated proceedings under Section 156(3) Cr.P.C., which are still pending before the learned Illaqa Magistrate. He has submitted that during the pendency of the proceedings, the respondent committed a grave illegality by forging the signatures of the petitioner by falsely showing that the petitioner herself moved false complaint/application before the Senior Superintendent of Police, Malerkotla dated 22.09.2025. He has further submitted that the respondent has filed the petition bearing CRM-M-4428-2026 before this Hon'ble Court for restraining official respondents from reopening fresh inquiry into the complaint dated 07.11.2025. He has submitted that on receiving the copy of the petition, the petitioner noticed that the complaint dated 07.11.2025 was false, which was not even addressed to any authority and also the signature of the petitioner in the complaint was forged. He has submitted that no such complaint was filed by the petitioner, however, the said petition bearing CRM-M-4428-2026 was disposed of vide order dated 30.01.2026. He has submitted that thereafter, the petitioner submitted a detailed complaint dated 28.01.2026 for registration of FIR for offence of forgery, fabrication, criminal



conspiracy and intimidation but despite disclosure of serious offences, no action has been taken on the same till date. He has further submitted that as per the information of the petitioner, the respondent travelled to China on 14.01.2026 and returned back to Delhi on 23.01.2026 at about 05:45 P.M., however, the petition bearing CRM-M-4428-2026 was filed on 23.01.2026 along with the affidavit dated 23.01.2026 of the respondent, which was duly signed by him and, thus, it was impossible for the respondent to have signed and sworn the affidavit in any manner. He has submitted that on the complaint dated 22.09.2025, obtained through RTI, the signatures apparent on the same was found to be false as the same was not done by the petitioner. He has further submitted that on the complaint dated 07.11.2025 also bears completely different signatures and inconsistent writing pattern. He has submitted that the respondent has forged the documents and by using false evidence, misleading this Hon'ble Court and thus, has committed the offence under Section 340(2) BNS. He has relied upon the decision rendered by Hon'ble the Supreme Court in "*Iqbal Singh Marwah and another vs. Meenakshi Marwah and another*", (2005) 4 SCC 370 and '*Amarsang Nathaji as Himself and as Karta vs. hardik Harshadbhai Patel and others*' AIR 2016 SC 5384 and has submitted that the impugned order being unsustainable in the eyes of law, deserves to be set aside.

3. I have heard learned counsel for the petitioner and perused the record with his able assistance.

4. After hearing learned counsel for the petitioner and perusing the record, it is apparent that this Court vide order dated 30.01.2026 had disposed of the petition bearing CRM-M-4428-2026 filed by the



respondent on the submissions made by learned State counsel that the complaints have been looked into by the authorities. There is no material on the record to show that the respondent has forged the documents and fabricating the evidence by filing false pleadings before this Court amount to perjury and fraud. For resolving the issue involved whether in such circumstances, the inquiry under Section 340 Cr.P.C./Section 379 BNSS deserves to be initiated or not, appreciation of Section 340 Cr.P.C./Section 379 BNSS is necessary, which reads as under:

“379. 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 (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.] [Substituted by Act 2 of 2006, Section 6, for Cl. (b)
(w.e.f. 16-4-2006). Prior to its substitution, Cl (b) read as under : - [(b)
in by other case, by the presiding officer of the Court].]
- (4) *In this section, "Court" has the same meaning as in Section 195."*

4. Hon'ble the Supreme Court in "***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./379 BNSS, 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./215(1)(b) BNSS as the Section is conditioned by the words 'court is of opinion that it is expedient in the interest of justice'.

5. On the appreciation of facts and circumstances of the case on the anvil of law settled, it is apparent that for the initiation of inquiry under Section 340 Cr.P.C./379 BNSS, the mandatory requirement is whether it is expedient in the interest of justice to initiate the proceedings. The scope of Section 340 Cr.P.C. read with Section 195 Cr.P.C. is limited to the offences, which are committed in relation to a proceeding in any Court, particularly when such offences are committed after the document has been produced or while it is in *custodia legis* (custody of the Court). In the present case, there is nothing on the record to show that the alleged forgery or fabrication was committed during the pendency of the proceedings or when the document was in the custody of this Court. Therefore, the essential condition for invoking the jurisdiction under Section 340 Cr.P.C. is not fulfilled.



6. In such circumstances, in the light of law settled, the alleged forgery of documents is not substantiated by any evidence on record. Hence, the present petition, being devoid of any merit, is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

30.03.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No