



CRM-M-30578-2026

-1-

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

CRM-M-30578-2026

Decided on: 26.05.2026

Bikramjit Singh Sabharwal

..... Petitioner

Versus

Dr. A.S.Bawa and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.K.D.S. Hooda, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition, filed under Section 379 of BNSS/340 Cr.P.C., is for seeking enquiry into the matter and issuance of appropriate directions to initiate/register a case against the respondents as they have mislead this Court by making a wrong statement of facts in a petition i.e. CR-7454-2025 filed by them before this Court.

2. Brief facts of the case are that the dispute between the parties pertains to House No. 1513, Ground Floor, Sector 43-B, Chandigarh. The petitioner filed a civil suit for permanent injunction with a view to protect his possession over the property in question. During the pendency of the said suit, the respondents moved an application under Order VII Rule 11 CPC seeking rejection of the plaint, which was dismissed by learned Civil Judge, Chandigarh vide order dated 17.09.2025. Aggrieved against the aforesaid order, the respondents preferred Civil Revision No. CR-7454-2025 before this Court, wherein, according to the petitioner, they falsely projected themselves to be the owners of the disputed property. Hence, the



petitioner is before this Court seeking initiation of perjury proceedings against the respondents.

3. Learned counsel for the petitioner submits that the respondents have deliberately and knowingly misled this Court by making false averments in Civil Revision No. CR-7454-2025. He contends that while filing the said revision petition, the respondents not only asserted themselves to be the lawful owners of House No. 1513, Ground Floor, Sector 43-B, Chandigarh, but also supported the said pleadings by way of a sworn affidavit. He has drawn the attention of this Court to paragraph No. 8 of the civil revision petition, wherein the respondents claimed themselves to be the lawful owners of the property in question. He submits that by making such a false statement/claim in the revision petition, the respondents have obtained interim order of stay in their favour and thus, have not only committed contempt of Courts, but also committed offence of perjury. He submits that house in question was originally allotted to father of the petitioner by Chandigarh Housing Board and when the revision petition was filed by the respondents before this Court, his father was very much alive and during his life time, he never transferred ownership of this property to anyone. However, unfortunately father of the petitioner expired on 13.02.2026, during the pendency of this revision petition. It is further argued that filing a false affidavit and making incorrect statements on oath before this Court amounts to abuse of the process of law and interferes with the administration of justice. He, thus, prays that an inquiry be conducted and appropriate proceedings be initiated against the respondents for having



committed perjury and for misleading this Court by filing false pleadings supported by affidavit.

4. The Court has heard learned counsel for the petitioner and perused the record. In the present case, the dispute between the parties pertains to ownership and possession of the property in question, which is already subject matter of adjudication before the competent Civil Court. The respondents, while filing CR-7454-2025, asserted their claim of ownership over the property. Merely because the petitioner disputes such claim would not, *ipso facto*, establish that the respondents have intentionally made false statements on oath so as to warrant prosecution for perjury. So far as the contention of the petitioner that the respondents obtained an interim stay order from this Court on the basis of the alleged false averments is concerned, the same also does not persuade this Court to initiate proceedings under Section 340 Cr.P.C./Section 379 BNSS. An interim order is always subject to final adjudication and is passed on a *prima facie* consideration of the pleadings and material placed before the Court. The grant of interim relief in favour of the respondents cannot, at this stage, be construed to mean that the respondents had committed perjury or practised fraud upon the Court, particularly when the underlying dispute regarding title and possession is yet to attain finality.

5. For proper adjudication of this case, appreciation of Section 340 Cr.P.C/Section 379 BNSS is necessary, which read 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.

6. There is no gainsaying that if, at all, any forgery had been



committed by the respondents regarding the averments made in the revision petition, the same was not in the record in front of the Court. The alleged forgery or misrepresentation made by the respondents is not before the Court by providing any forged document. Hon'ble Supreme Court in case of **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., 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. as the Section is conditioned by the words 'court is of opinion that it is expedient in the interest of justice'. This shows that such a course will be adopted only if the interest of justice requires the Court to so do and not in every case.

8. 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.

9. Weighing the facts and circumstances of the case on the anvil

of law settled, this Court is of the considered opinion that no case is made out for initiation of perjury proceedings against the respondents. The present petition is devoid of merit and is, hereby, dismissed.

26.05.2026

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No