



CRM-M-52872-2019

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**(260) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of Decision: 05.05.2026

HARISH NATH

... Petitioner

Versus

STATE OF HARYANA & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Rajvinder Kaur, Advocate
for the petitioner.

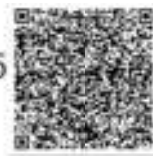
Mr. Vipul Sherwal, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the Complaint No.COMI 157 dated 05.08.2019 registered under Section 340 Cr.P.C. filed against the petitioner for committing an offence under Section 193 IPC.

2. The brief facts of the case are that an FIR No.277 dated 29.07.2017 U/s 304-B and 34 IPC, 1860, Police Station Ambala Cantt. came to be registered at the instance of petitioner-Harish Nath with the allegations that on account of dowry harassment of his sister by her husband Sumit Pahwa and other family members, his sister had committed suicide. The relevant extract of the FIR reads as under:-

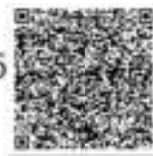
“Respected Sir, Contents are as under:- Statement of Harish S/o Late Sh. Ashok Kumar, Caste Valmiki, resident of H.No. 166/4, Dalipgarh, Post Office Babyal, Ambala Cantt. Mobile No. 99964-74645. Stated that I am resident of above mentioned address and



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doing the private job. We are four brothers and sisters. Both of my sisters are elders of me and having one younger brother. My father has been expired and marriage of my sister namely Rachna has been solemnized with Sumit Pahwa S/o Lajpat Raj Pahwa resident of Defence Colony, Sector-D, Ambala Cantt on 12th December, 2016 with Hindu rites. We have given sufficient dowry in the marriage of my sister Rachna but few days after the marriage, husband of my sister namely Sumit Pahwa and her sister in law namely Saroj Pahwa tortured my sister for bringing less dowry and regarding the same, my sister informed us. I along with my mother explained to my sister namely Rachna that you do not worry, everything will be fine. We explained a lot to our sister's husband and mother-in-law that we are poor men, we are not in a condition to give more dowry. About two months ago, husband of my sister and her in-laws left my sister to our house and after 3-4 days, husband of my sister and her in-laws, brought her with them. But husband of my sister used to tell my sister that if you didn't bring more dowries then I would divorce you. On dated 24.07.2017, husband of my sister left my sister to our house due to their dispute, on which, my sister very upset and whenever my sister used to talk to her husband on phone call then he always told that I will not bring you. When the marriage of my sister Rachna has been solemnized, since then, her husband Sumit Pahwa and her mother in law Saroj strives her for bring less dowry and by fading with from the same thing, today on dated 29.07.2017, my sister hanged up by knotting the cloth with pipe in the bathroom, on which, my sister has expired. So, it is requested that legal action may kindly be taken against husband of my sister namely Sumit Pahwa as well as against her mother in law namely Saroj Pahwa. Statement has been got recorded, heard A and same is correct. Sd/- Harish 9996474645."



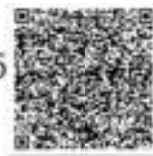
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3. The investigation was conducted and challan submitted. The Trial took place and ultimately, the petitioner was examined as PW4 and he turned hostile. Therefore, the accused was acquitted vide judgment dated 22.02.2019 (Annexure P-3) passed by the Additional Sessions Judge, Ambala. While acquitting the accused, certain observations were made against the petitioner to the effect that he had given false evidence and directions were issued to the Reader of the Court to lodge a complaint against the petitioner. The relevant extract of the judgment dated 22.02.2019 is as under:-

“31. Before parting with the case, it is apt to note that the investigation into the present case was set into motion on statement (Ex. P-7) of PW-4 Harish Nath, who has admitted his signatures on the said statement. He furnished explanation that his signatures were taken on blank papers by the police but it prima-facie does not look to be plausible as there is nothing on record that the police had any axe to grind against the accused nor any such suggestion has been given any of the witnesses by the accused. He also admitted his signatures on "Identification, Recovery and handing over of dowry articles memo Ex. P-6" and "recovery memo of dowry articles Chunni, Mobile and suicide note Ex. P-9". The tenor of the signatures of PW-4 Harish which is in running hand in english reflects him to be educated person. The complaint when seen with his statement in court, run counter to each other. Both of them cannot be correct. It means that he gave false evidence.

In case of Surinder Singh Versus State of Haryana 2009 (4) RCR (Criminal) 421 DB, the Hon'ble Punjab and Haryana High Court was pleased to take a strict view of the witnesses turning hostile in the courts and directed to take action against the said witnesses. It was observed as under:



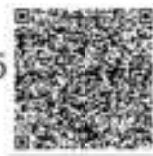
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"36. We are pained to see that the trial Courts willingly or unwillingly are not taking action against hostile witnesses. A number of witnesses who should be deposing as per their statements given under Section 161 of the Code of Criminal Procedure and should be supporting the prosecution turn hostile. The trial Courts cannot be mute spectators to the statement of these witnesses, when the witnesses are intentionally giving false evidence (a statement to help the accused). Action should be taken under the relevant provisions of law against such witnesses, so that the administration of criminal justice does not suffer."

In case State Tr. P.S. Lodhi Colony New Delhi v. Sanjeev Nanda 2012 (3) RCR (Criminal) 897, the Hon'ble Apex Court was pleased to held as under:-

"87. We cannot, however, close our eyes to the disturbing fact in the instant case where even the injured witness, who was present on the spot, turned hostile. This Court in Sidhartha Vashisht @ Manu Sharma v. State (NCT of Delhi), 2010(2) R.C.R. (Criminal) 692: 2010(3) Recent Apex Judgments (R.A.J.) 1: [(2010) 6 SCC 1] and in Zahira Habibullah Shaikh v. State of Gujarat, 2006(2) R.C.R. (Criminal) 448: 2006(1) Apex Criminal 649 [AIR 2006 SC 1367] had highlighted the glaring defects in the system like non-recording of the statements correctly by the police and the retraction of the statements by the prosecution witness due to intimidation, inducement and other methods of manipulation. Courts, however, cannot shut their eyes to the reality. If a witness becomes hostile to subvert the judicial process, the Courts shall not stand as a mute spectator and every effort should be made to bring home the truth. Criminal judicial system cannot be overturned by those gullible witnesses who act under pressure, inducement or intimidation. Further, Section 193 of the Indian Penal Code imposes punishment for giving false evidence but is seldom invoked."

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Accordingly, the Reader of this court is directed to lodge a complaint against PW4 Harish Nath in the Court of Chief Judicial Magistrate Ambala for offence under Section 193 IPC.

4. Consequent to the directions issued, proceedings were initiated against the petitioner under Section 340 Cr.P.C. necessitating the filing of the instant petition.

5. The learned counsel for the petitioner contends that the contents of the FIR are totally different from the statement actually given by the petitioner. In fact, due to certain misunderstandings and ill-health, Rachna, the sister of the petitioner committed suicide. She had not been harassed. The police took the signatures of the petitioner on blank papers and registered the FIR. He has given a true version when he deposed in Court as PW4. She therefore contends that the proceedings emanating out of the judgment dated 22.02.2019 (Annexure P-3) leading to the filing of the complaint under Section 340 Cr.P.C. be quashed.

6. On the other hand, the learned State counsel contends that the FIR was registered at the instance of the petitioner. Not only has the petitioner signed the complaint leading to the registration of the FIR, he has also admitted his signatures on the identification, recovery and handing over memo of the dowry articles and the recovery memo of dowry articles including Chunni, Mobile and the suicide note. On no occasion prior to the deposition of the petitioner as PW4 did the petitioner or his family members ever level allegations of fabrication of documents during the course of the investigation. The petitioner deliberately turned hostile probably in view of



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the compromise that has been arrived at between the parties. As the offence under Section 193 IPC is *prima facie* made out, the present petition is liable to be dismissed.

7. I have heard the learned counsel for the parties.

8. As per the record, the petitioner has affixed his signatures on multiple documents including the complaint leading to the registration of the FIR wherein he has levelled specific allegations against his brother-in-law Sumit Pahwa and his family members for having harassed his sister Rachna (deceased). Later, when he was examined as PW4, he has turned hostile thereby not supporting the prosecution case. Once he has explained that his signatures were taken on blank papers, which fact does not appear to be plausible and the complaint leading to the registration of the FIR and the statement in Court run counter to each other, *prima facie*, the petitioner has furnished false evidence in terms of Section 193 IPC. Therefore, no fault can be found with the Trial Court directing the filing of a complaint against the petitioner in the appropriate Court for having committed the offence under Section 193 IPC.

9. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

05.05.2026

JITESH

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