



CRM-M-69610-2025

-1-

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

CRM-M-69610-2025

Decided on: 20.01.2026

Narinder Pal Singh

..... Petitioner

Versus

Manmeet Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Dr. Payal Mehta, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition, filed under Section 379 of BNSS read with Section 528 of BNSS, is for initiation of perjury proceedings against the respondents for intentionally and deliberately making false averments duly supported by respective affidavit in Criminal revision petition CRR-F-1539-2024 titled as Manmeet Kaur and others vs. Narinder Pal Singh, before this Court and for taking necessary legal action against the respondents as per the provisions of law.

2. The brief facts of the present case are that it arises out of a family dispute. The respondents, i.e. the wife and children of the petitioner (husband), filed a revision petition bearing No. CRR-F-1539-2024 before this Court seeking modification of the order dated 04.11.2023 passed by the learned Additional Principal Judge, Family Court, Patiala. Along with the revision petition, the respondents also filed an application seeking condonation of a delay of 304 days in filing the revision petition. The petitioner-husband has alleged that the said application for condonation of delay has been filed on false averments, duly supported by affidavits sworn



CRM-M-69610-2025

-2-

by the respondents. Hence, the petitioner-husband is before this Court seeking initiation of perjury proceedings against the respondents.

3. It has been submitted by learned counsel for the petitioner that a revision petition bearing No. CRR-F-1539-2024 was filed by the respondents impugning the order dated 04.11.2023 passed by the learned Additional Principal Judge, Family Court, Patiala. She submits that alongwith the criminal revision petition filed by the respondents, an application CRM-48367-2024 seeking condonation of delay of 304 days in filing thereof, has been filed on the basis of false averments. She submits that the respondents pleaded in the application that they were totally unaware of the passing of the impugned order i.e. order dated 04.11.2023 and they came to know about the same only when the petitioners received summons in CRR(F)-94-2024 filed by the petitioner impugning the order dated 04.11.2023. Thus, she submits that the averments made in the aforesaid application are totally wrong and made with intention to mislead the Court. She submits that the respondents have already filed an application under Section 128 Cr.P.C. for enforcement of order dated 04.11.2023 before learned Family Court at Patiala and regularly receiving part payments towards the maintenance from the petitioner and hence, the entire plea of the respondents that they were not aware about passing of the order dated 04.11.2023, is completely false and misleading. She submits that it is further pleaded by respondent No.1 in the application that the delay in filing the revision occurred as she was busy in raising her children i.e. respondents No.2 and 3. To controvert the same, she submits that



CRM-M-69610-2025

-3-

respondents No.2 and 3 were already major at the time of filing of revision petition. It is contended that it has also been mentioned in the application by respondent No.1 that since the day of separation, no penny has been paid by the petitioner on account of maintenance, which is also false and frivolous, as bank statement and cheque details of the petitioner clearing indicate the transfer of funds toward maintenance to the respondents. She has submitted that the aforesaid averments are sufficient to demonstrate that the respondents are not deterred from making false statements openly before this Court as well as before the trial Court. She, thus, submits that in the overall facts and circumstances, the present petition deserves to be allowed and perjury proceedings be initiated against the respondents.

4. The Court has heard learned counsel for the petitioner and perused the record. The respondents i.e. the wife and children of the petitioner, had filed Criminal Revision No. CRR-F-1539-2024 along with an application seeking condonation of a delay of 304 days in filing the said revision petition, seeking modification of the order dated 04.11.2023 passed by the learned Additional Principal Judge, Family Court, Patiala. The grievance raised by the petitioner pertains to the averments made by the respondents in the application for condonation of delay, alleging the respondents were not aware of the passing of the order dated 04.11.2023; she was busy in raising her children and she has not received a single penny from the date of her separation.

5. For proper adjudication of this case, appreciation of Section 340 Cr.P.C is necessary, which read as under:

**“340. 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 application for condonation of delay, 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.

7. 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. However, it is clarified that the observations made herein shall not prejudice the rights of the parties in the pending criminal revision petition, which shall be decided on its own merits in accordance with law.

20.01.2026
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No