

IN THE COURT OF SATVIR KAUR, PCS, JUDICIAL MAGISTRATE
1ST CLASS, LUDHIANA UID No.PB0482

PBLD030037142015



Presented on : 30-03-2015
Registered on : 31-03-2015
Decided on : 06-07-2026
Duration : 11 years, 3 months, 7 days

C.I.S. No. CRM/163/2015
CNR No.PBLD030037142015
Date of Institution : 31-03-2015
Date of decision : 06-07-2026

Sukhvinder Singh son of Late S. Jagat Singh son of Late S.Ganga Singh, resident of House No.441/2-A, street no.5, Maharaja Ranjit Singh Park, Behind Shingar Cinema, Ludhiana.

.....Complainant/ applicant.

Versus

1. Pritpal Kaur wife of Gurbachan Singh d/o Jagat Singh, resident of st. No.Maharaj Ranjit Singh Park, Kashmir Nagar Road, Opp. Royal Restaurant, Near Gilson Gas Office, Ludhiana.
2. Swaranjit Kaur wife of Surjit Singh daughter of Jagat Singh, resident of Prince Telecom, Kashmir Nagar Road, Near Ximindara Floor Mills, Near Tajpur Chowk, Ludhiana.
3. Shankar Dev son of Sh. Asrafi, resident of House No.6421, Street No.10, Guru Arjan Dev Nagar, Tajpur Road, Ludhiana.
4. Jasvir Singh son of Pritapal Singh, resident of House No.5686, Street No.6, New Shivaji Nagar, Ludhiana.

....Respondents

**Application under Section 340 read with Section 195 of
Code of Criminal Procedure for in initiating proceedings
under sections 193,196,199,200,209,419, 420,120-B of IPC
against the respondents.**

Present:- Sh G S Gill, Adv. Counsel for applicant

ORDER

1. Present file remanded by by Ld. Appellate Court vide order dated

13.02.2026 for deciding the application u/s 340 CrPC afresh.

2. Present application has been moved by Sukhvinder Singh (hereinafter called the applicant/complainant) on the ground that the respondent no.1 and 2 are real sisters of applicant. The applicant and respondent no.1 and 2 are children of Jagat Singh and Amrit Kaur. From the wedlock of Jagat Singh and Amrit Kaur, total five children were born namely Manmohan Singh (now deceased), Pritpal Kaur (respondent No.1), Sukhwinder Singh (applicant), Swaranjit Kaur (respondent No.2) and Parvinder Singh (Now deceased). It has further been averred that Jagat Singh was the owner of one of property i.e. house no.B-24-64, (Old) and 39 (new) measuring 113-1/3 sq. yards situated in street no.2, Mohalla Dharampura, Ludhiana, comprised in khasra no.973 of Village Taraf saidan, Distt. Ludhiana by virtue of a sale deed bearing no.wasika no.5638 dated 21.07.1960. It has further been averred that unfortunately, Jagat Singh died intestate in the year 1979 leaving behind Amrit Kaur as his widow, applicant. respondents no.1 and 2 and Mamnohan Singh and Parvinder Singh as his children. Jagat Singh died leaving behind all of them as his class 1 legal heirs. Accordingly, on the basis of natural succession, the above said property was inherited by above said six legal legal heirs of Late Sh.Jagat Singh in equal shares i.e. to the extent of 1/6the share each. It has further been averred that unfortunately, Smt. Amrit Kaur wife of Jagat Singh died on 25.02.2007 and after her death, her share in the above said property was also inherited by the applicant, respondent no.1 and 2 Ravinder Kaur, Jasleen Kaur, Inderjit Kaur, Sonu and Vincy. It has further been averred that however, a greed crept in the mind of the respondents no.1 and 2 and in order to grab the above said entire property and to commit cheating and fraud with the applicant, the respondents no.1 and 2 one false and frivolous civil suit no.169 of 19.07.2008 with regard to the aforesaid property. In the head note of

the plaint of this suit, the respondents no.1 and 2 claimed themselves as only surviving 1st Class legal heirs of Jagat Singh and Amrit Kaur. Then in para no.2 of the plaint, they mentioned Parvinder Singh as their only brother and also mentioned that after the death of Amrit Kaur, the plaintiffs are her only surviving first class legal heirs and except them there is no other surviving first class legal heirs of Jagat Singh and Amrit Kaur. Whereas in fact as stated above, Late S. Jagat Singh was having total five children i.e. applicant, respondents no.1 and 2, Parvinder Singh and Manmohan Singh. The applicant was born on 02.04.1959 from the wedlock of Late S. Jagat Singh and Late Smt. Amrit Kaur but respondents no.1 and 2 intentionally and deliberately concealed this fact from the Court. It has further been averred that during the proceeding, respondent no.1 and 2 got examined respondent no.3 as PW-1, respondent no.4 as PW-2. The respondent no.2 stepped into the witness box as PW-3. The respondents no.3 and 4 are connived with respondent no.1 and 2 and in order to enable the respondents no.1 and 2 to get undue benefit in the said suit, respondents no.3 and 4 also gave false evidence before the Court. In para no.4 of the affidavits of respondents no.3 and 4, which were tendered in evidence, the respondent no.3 and 4 wrongly and falsely mentioned that after the death of Amrit Kaur, respondent no.1 and 2 are the only surviving 1st class legal heirs of Late Smt. Amrit Kaur and except them, there is no other surviving 1st class legal heirs of Jagat Singh and Amrit kaur. Similarly, in the affidavit of Swaranjit Kaur respondent no.2 tendered in evidence. She gave false evidence and mentioned wrong and false facts. In para no.2 affidavit, the respondent no.2 wrongly and falsely mentioned that Jagat Singh expired leaving behind respondents no.1 and 2 as daughters, Parvinder Singh as son and Smt. Amrit kaur as widow, as his only first class legal heirs. She further mentioned that Parvinder Singh was the only brother of respondents no.1 and

2. Then in para no.3 of the affidavit the respondent no.2 mentioned that except the respondents no.1 and 2 there is no other surviving first class legal heirs of Jagat Singh and Amrit Kaur. In this way, all the respondents in connivance with each other furnished false affidavits and gave false evidence in court. All this has been done by the respondents just to commit cheating and fraud with the applicant by depriving his share in the above said property. Hence, the present application.

3. In support of his version applicant examined CW1 Swaran Singh who deposed that he know the parties personally. Sukhwinder Singh is son of Jagat Singh son of S.Ganga Singh. He know Sukhwinder Singh @ Pappu since childhood. Jagat Singh was married with Amrit Kaur. Out of the wedlock of Jagat Singh and Amrit Kaur total five children were born namely Manmohan Singh @ Mohiny, Pritpal Kaur @ Pali, Suhvinder Singh @ Papu, Swaranjit Kaur @Kako and Parvinder Singh @Titu out of whom Manmohan Singh and Parvinder Singh have already died. He has family relations with the family of Jagat Singh and he participated in all the joys and sorrows of their family. Jagat Singh was the owner of the property i.e. house no.B-24-64 (Old) and 39 (new) measuring and after death of Jagat Singh, the aforesaid property was inherited by his widow Amrit Kaur and all the aforesaid five children including Sukhwinder Singh in equal share. He also tendered into evidence copy of his Aadhar Card is Ex.CW1/A.

4. Applicant further examined himself as AW2 and deposed that respondents Pritpal Kaur and Swaranjit Kaur are his real sisters and that all three are children of Late Jagat Singh and Late Amrit Kaur. He stated that Jagat Singh and Amrit Kaur had five children Manmohan Singh (deceased), Pritpal Kaur, Sukhvinder Singh (complainant), Swaranjit Kaur, and Parvinder Singh (deceased). He further deposed that Jagat Singh owned House No. B-

24-64 (Old)/39 (New), Dharampura, Ludhiana, and died intestate in 1979. Consequently, the property devolved equally among his widow and five children. After the deaths of Parvinder Singh, Manmohan Singh and later Amrit Kaur their respective shares devolved upon their legal heirs according to the law of succession. He further deposed that respondents No. 1 and 2 with the intention of grabbing the entire property, filed Civil Suit No. 169 dated 19.07.2008 falsely claiming that they were the only surviving Class-I legal heirs of Jagat Singh and Amrit Kaur and deliberately concealed the existence of the applicant and his deceased brother Manmohan Singh despite knowing they were also children of Jagat Singh. He further deposed that respondents No.1 and 2 signed and verified the plaint on oath and produced false affidavits. Respondents No.3 and 4 also allegedly gave false evidence in support of the respondents by stating that respondents No.1 and 2 were the only surviving legal heirs. Relying upon this evidence the Civil Court passed a judgment and decree dated 15.03.2014 declaring respondents No.1 and 2 to be the only surviving legal heirs. He further deposed that he has filed a separate civil suit challenging the said judgment and decree as null and void and in that suit respondents No.1 and 2 in their written statement admitted that the applicant and Manmohan Singh were also sons of Jagat Singh thereby contradicting their earlier pleadings. To substantiate his claim, the applicant produced documentary evidence including his voter ID card, ration card, Aadhaar card, driving licence, telephone bill, his birth certificate certificate of son showing Jagat Singh as grandfather as Ex.AW2/1 to Ex.AW2/6. He also tendered Certified copy of plaint of civil suit No.169 as Ex.AW-2/7, certified copy of affidavit in evidence tendered by respondent No.3, respondent No.4 and respondent No.2 as Ex-AW2/8 to Ex-AW2/10 respectively. Certified copy of judgment dated 15.03.2014 as Ex.AW2/11. Certified copy of plaint of civil

suit filed by me challenging the judgment dated 15.03.2014 as Ex.AW2/12 and certified copy of written statement filed by respondents No.1 and 2 in the said civil suit as Ex.AW2/13.

5. Present application u/s 340 CrPC was earlier decided by the court of Ms. Surekha Rani, the then JMIC, Ldh and vide order dated 06.01.2018 the present application was dismissed. Thereafter applicant/complainant filed appeal before the Ld. Appellate Court, Ldh who vide order dated 13.02.2026 partly accepted the appeal and remanded back the matter to Trial Court with direction to decide the application afresh.
6. I have heard Ld. counsel for the applicant/complainant and gone through the evidence led by the applicant.
7. The present application has been preferred under Section 340 Cr.P.C. alleging that respondent No.1 to 4 intentionally made false statements and filed false affidavits in Civil Suit No.169 dated 19.07.2008 with a view to obtain a judgment and decree by concealing material facts from the Civil Court. Applicant further pleaded that Late Jagat Singh and Late Amrit Kaur had five children namely Manmohan Singh, Pritpal Kaur, Sukhvinder Singh (applicant), Swaranjit Kaur and Parvinder Singh. To support his version the applicant examined CW-1 Swaran Singh an independent witness who categorically deposed that he had known the family of Jagat Singh since childhood and that Jagat Singh and Amrit Kaur had five children including the applicant. The applicant himself appeared as AW-2 and reiterated that respondents No.1 and 2 are his real sisters and that they deliberately concealed the existence of the applicant and his deceased brother Manmohan Singh while instituting Civil Suit No.169 of 2008. He further deposed that respondent Nos.1 and 2 falsely projected themselves as the only surviving Class-I legal heirs of Jagat Singh and Amrit Kaur and also examined

respondent Nos.3 and 4 as witnesses who supported the same false version before the Civil Court. To substantiate his allegations, the applicant produced documentary evidence in the shape of his Voter Identity Card, Aadhaar Card, Ration Card, Driving Licence, Telephone Bill and the birth certificate of his son showing the name of Jagat Singh as grandfather. From the perusal of the documents relationship of the applicant with Late Jagat Singh is established. The applicant also produced certified copies of the plaint filed in Civil Suit No.169, affidavits of respondent Nos.2 to 4, judgment and decree dated 15.03.2014, plaint of the subsequent civil suit filed by him and the written statement filed therein by respondent Nos.1 and 2.

8. A perusal of the certified copy of the plaint (Ex.AW2/7) reveals that respondent Nos.1 and 2 specifically pleaded that after the death of Amrit Kaur they alone were the surviving Class-I legal heirs of Jagat Singh and Amrit Kaur and that Parvinder Singh was their only brother. The certified copies of the affidavits Ex.AW2/8 to Ex.AW2/10 further show that respondent Nos.2 to 4 reiterated the same facts before the Civil Court. Consequently, relying upon such pleadings and evidence, the Civil Court vide judgment and decree dated 15.03.2014 declared respondent Nos.1 and 2 to be the only surviving legal heirs of Jagat Singh and Amrit Kaur. Applicant further proved on record the certified copy of the written statement filed by respondent Nos.1 and 2 in the civil suit challenging the judgment Ex.AW2/13 shows that they admitted that the applicant and deceased Manmohan Singh are also sons of Jagat Singh which is wholly inconsistent and contradictory with the categorical stand taken by them in Civil Suit No.169 of 2008 wherein they had asserted that Parvinder Singh was their only brother and that there existed no other surviving Class-I legal heir. This contradiction indicates that respondent Nos.1 and 2 knowingly made false statements before the Civil Court and concealed

material facts affecting the adjudication of the suit. The concealment of the existence of the applicant and deceased Manmohan Singh had a direct bearing on the determination of succession rights over the suit property. Further applicant/complainant placed on record certified copy of judgment and decree dated 27.08.2018 as Ex.AW2/14 challenging the judgment and decree dated 15.03.2014 passed by the court of Ms. Ekta Sahota, the then CJJD, Ldh. A bare perusal of the Ex.AW2/14 reveals that the Civil Court has specifically declared the judgment and decree dated 15.03.2014 as null and void as the same was obtained by paying fraud with the court and ordered to set aside including revenue entry made if any on the basis of said judgment. Further counsel for applicant/complainant submitted that till date no appeal regarding passing of said judgment and decree dated 27.08.2018 has been filed by the respondents.

9. Hence, this court is of the view it is settled law that the respondents were bound to give true statement before the Court but the respondents made false statements and filed false affidavits in connivance with each other in Civil Suit No.169 dated 19.07.2008 with a view to obtain a judgment and decree by concealing material facts from the Civil Court.

10. At this stage, this Court is not required to record a finding regarding the guilt or innocence of the respondents. The scope of proceedings under Section 340 Cr.P.C. is limited to examining whether it appears that an offence referred to in Section 195 Cr.P.C. has been committed and whether it is expedient in the interest of justice that an inquiry should be made. In this regard this court is guided by the the law laid down by Hon'ble Supreme Court in case titled **K.Karunakaran Vs. T.V. Eachara Warriar** reported in AIR 1978 SC 290 wherein the Hon'ble Supreme Court has held that *whether, suo moto or on an application by a party under Section 340(1) Cr.P.C. a court having been*

*already seized of a matter may be tentatively of opinion that further action against some party or witness may be necessary in the interest of justice. In a proceeding under Section 340(1) Cr.P.C, the reason recorded in the principal case, in which a false statement has been made, have a great bearing and indeed action is taken having regard to the overall opinion formed by the court in the earlier proceedings. In this regard the Hon'ble Apex Court of India in case titled as **Jagjit Singh Vs. State of Punjab reported in 2000(2) ACJ 312 319(SC)** has held that *perjury has also become a way of life in the law courts. A trial judge knows that the witness is telling a lie and is going back on his previous statement, yet he does not wish to punish him or even file a complaint against him. He is required to sign the complaint, himself which deters him from filing the complaint, perhaps it needs amendment to clause b of Section 340(3) of the Code of Criminal Procedure in this respect as the High Court can direct any officer to file a complaint. To get rid of the evil of Perjury, the court should resort the use of provisions of law as contained in chapter XXVI Code of Criminal Procedure.**

11. From the evidence led by the applicant and the documents placed on record, this Court is satisfied that there is sufficient prima facie material indicating that respondent Nos.1 and 2 knowingly concealed the existence of the applicant and deceased Manmohan Singh despite being fully aware that they were also children of Late Jagat Singh. There is also prima facie material indicating that respondent Nos.3 and 4 supported such false case by filing affidavits and making statements before the Civil Court. The alleged false statements formed the basis of the judgment and decree dated 15.03.2014 and, therefore, the alleged acts have a direct nexus with the administration of justice. As such a complaint by this court should be filed under Section 193, 196, 199, 200, 209, 419, 420, 120-B being offences committed in relation to

evidence given before a Court. Therefore, keeping in view of the law and facts of the case and in order to curb the evil of perjury, it is expedient in the interest of justice that complaint in writing be filed by the Court against respondents under Section 193, 196, 199, 200, 209, 420, 120-B IPC as per Section 340(3)(b) of CrPC. Reader of this court is directed to file a separate complaint in the court of Ld. Chief Judicial Magistrate, Ludhiana for taking further necessary action against the accused persons and Reader of this court is hereby appointed to file the complaint on behalf of this court. File be sent to the court of Ld. Chief Judicial Magistrate, Ludhiana for further proceedings.

Date of Order: 06.07.2026

Jagdish

Stenographer-II

(Satvir Kaur)
Judicial Magistrate 1st Class
Ludhiana.
UID-PB0482

163/2015

Sukhwinder Singh Vs. Pritpal Kaur

Present:- Sh G S Gill, Adv. Counsel for applicant
Sh Sachin Vasudeva, Adv. Counsel for respondent No.1 and 2

Heard on application for summoning the record file from the record room filed on behalf of respondents. It is submitted in the application that earlier suit titled Sukhwinder Singh Versus Pritpal Kaur & Others and Pritpal Kaur Versus Ravinder Kaur were decided by District Courts Ludhiana and the said case files are required for the purpose of arguments and are necessary for fair decision of the present case. He also relied up on the law laid down by Hon'ble Supreme Court of India in case titled **Sharad Pawa Vs. Jagmohan Dalmiya and Ors CA No.540 of 2010** wherein Hon'ble Supreme Court held that *Criminal Procedure Code, 1973 Sections 195 and 340 Perjury Single Judge to conduct a preliminary enquiry as contemplated under Section 340, Criminal Procedure Code and also to afford an opportunity of being heard to defendants, which was admittedly not done - Hence, appeals allowed and set aside impugned order of High Court passed in application filed by plaintiff-1st respondent under Section 340, Criminal Procedure Code and remit matter to Single Judge to decide application under Section 340 Criminal Procedure Code afresh and after affording reasonable opportunity of being heard to defendants, against whom Single Judge ordered enquiry*". He further relied upon the case titled **Ankush Shikshan Sanstha & Anr vs. The State of Maharashtra & Ors Law Finder Doc Id 2580790** wherein Hon'ble Supreme Court held that *Proceedings under Section 340 of the Code of Criminal Procedure, 1973 - Prima facie case of wrong statement affirmed on oath in an affidavit by the respondent - Opportunity granted to the deponent to explain the correct position.*

On the other hand counsel for applicant argued that respondents cannot appear at this stage and relied upon the law laid down by **Hon'ble Supreme Court of India in case titled State of Punjab Vs. Jasbir Singh Law Finder Doc ID 2228591** wherein it is held that *in view of judgment of Constitution Bench, no requirement opportunity of hearing in such scenario - Further,*

Constitution Bench judgment in Iqbal Singh Marwah's case, which had already addressed the scope and ambit of a preliminary inquiry - Hence, FIR liable to be quashed. It is further held that on having considered the matter, it is our view that the Constitution Bench's view would naturally prevail that makes the legal position quite abundantly clear. only that, if we may notice, what is reported in Sharad Pawar's case (supra) is an order and not a judgment.

This court heard arguments on behalf of both the parties and has gone through the aforecited citations and finds that in law laid down by Hon'ble High Court in case titled State of Punjab Vs. Jasbir Singh (supra) Hon'ble Supreme Court has specifically held that no requirement for opportunity of hearing to accused. Further the Ld. Appellate Court while passing order dated 13.02.2026 specifically given direction only to the appellant i.e. complainant/applicant of the present application to appear before the Trial court. Hence, no ground is made to grant opportunity to hear arguments on behalf of accused. Accordingly, application for calling record file stands dismissed.

Vide separate detailed order of this court of even date application under Section 340 CrPC is allowed. Reader of this court is directed to file a separate complaint in the court of Ld. Chief Judicial Magistrate, Ludhiana for taking further necessary action against the accused persons and Reader of this court is hereby appointed to file the complaint on behalf of this court. File be sent to the court of Ld. Chief Judicial Magistrate, Ludhiana for further proceedings.

Date of Order:06.07.2026

Jagdish

Stenographer-II

(Satvir Kaur)
Judicial Magistrate 1st Class
Ludhiana.
UID-PB0482