

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 76 of 2015

Smt.Rekha Agarwal W/o Shri Sunil Agarwal Aged About 60 Years R/o
1/45 Nehru Nagar (East) Bhilai, District Durg, C.G.490020. P.S.- Supela.

---- Petitioner

Versus

1. Anil Agarwal S/o Late Shri L.N.Agarwal Aged About 65 Years R/o Sangeeta Sarita Apartment, Opp. Breach Candy Hospital, Bhulabhai Desai Road, Mumbai, Maharashtra.
2. Smt. Shashi Goel W/o Krishna Bihari Goel Aged About 63 Years R/o 404, Bhanu Apartment, Near Hare Rama Hare Krishna Mandir, Juhu, Mumbai, Maharashtra.

---- Respondents

For Petitioners	:	Shri Shakti Raj Sinha, Advocate.
For Respondents	:	Shri Jaydeep Singh Yadav, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

02/11/2016

1. The present petition under Section 482 CrPC has been filed assailing the order dated 11.08.2014 passed by the Second Additional Sessions Judge, Bilaspur, in Criminal Revision No.53/2014 and also the order dated 30.01.2014 passed by the JMFC, Bilha, in unregistered criminal case number of 2014.
2. The complainant i.e. petitioner in the present case filed a complaint case before the trial court for taking criminal action against the respondents-accused persons on the ground that they have filed false affidavit before the High Court in MCrC No.41 of 2002.
3. The two courts below have rejected firstly the complaint case as well as

the revision filed by the petitioner against the the respondents-accused.

4. A bare perusal of provisions of Section 340 CrPC clearly demonstrates that he has to file a case only in the court where the said false affidavit has been filed, which, in the instant case is the High Court.
5. In the given factual matrix of the case, this court is of the opinion that the present CrMP is not tenable and the remedy available to the petitioner is to file a suitable application in this regard before the concerned court where the false affidavit was filed.
6. For the foregoing reasons, the present petition is dismissed as not sustainable reserving right of the petitioner to avail the appropriate remedy in accordance with provisions of law.
7. In the event, if such proceedings are initiated at the behest of the petitioner, the present petition or the two orders passed by the courts below which has been challenged in the present petition shall not come in the way of the petitioner.
8. With the aforesaid liberty, the present petition stands dismissed. No order as to costs.

Sd/-
(P.Sam Koshy)
Judge