

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-20563 of 2016 (O&M)

Date of Decision: July 04, 2016

Ram Lal Arora

...Petitioner

VERSUS

Vinod Kumar Saini

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Bains, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 28.04.2014 passed by learned Judicial Magistrate Ist Class, Chandigarh vide which the petition under Section 340 Cr.P.C. filed by the petitioner for lodging of complaint against the respondent under Section 193 IPC has been dismissed and also the judgment dated 14.10.2015 passed by learned Addl. Sessions Judge, Chandigarh, vide which the revision filed by the petitioner was also dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

As per the case of the petitioner as stated in the petition, the petitioner examined respondent as witness in criminal complaint titled as 'Ram Lal Arora vs. V.K.Bhardwaj and others' under Sections 420, 467, 468 and 471 IPC and the respondent intentionally gave false statement in order to save the accused persons in the complaint.

At the time of arguments, learned counsel for the petitioner admitted that the trial Court has dismissed the complaint and there is no finding by the trial Court that the present respondent as a witness in that case, has intentionally given the false statement. The copy of the statement of the witness (present respondent) has been placed on record. In no way, from the statement, it can be held that respondent has intentionally given false statement before the JMIC. Otherwise also, the Court below itself has not given any finding that witness has deposed falsely nor from the face of it, it can be held that it is a false statement. Therefore, no ground is made out for proceeding against the respondent under Section 340 Cr.P.C.

Learned Magistrate has discussed the facts in detail and has passed well reasoned order while dismissing the complaint, which is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

July 04, 2016
Vgulati

(INDERJIT SINGH)
JUDGE