

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 1975 OF 2017

Abhishek Anilkumar Pareek

... **Petitioner**

V/s.

Vibha Abhishek Pareek

... **Respondent**

None for the Petitioner.

Ms. S.D. Shinde, APP for the Respondent/State.

CORAM : BHARATI H. DANGRE, J.

DATE : 30th AUGUST, 2018

P.C.:

. The present Criminal Writ Petition is filed by the Petitioner challenging an order passed on an application praying for taking cognizance offence of forgery and perjury. The said application was moved before the Metropolitan Magistrate, 61st Court, Kurla, Mumbai. The application was heard by the Magistrate and on consideration of the settled law governing the field in relation to an action to be initiated under Section 340 of the Criminal Procedure Code, a finding was recorded that no evidence is led by the Applicant in respect of the documents and unless and until the Applicant tenders evidence in respect of those documents, then it cannot be said that the case of perjury was made out. Resulting, the application came to be dismissed.

2 The Writ Petition filed before this Court in the month of January 2017 and

no steps were taken by the Petitioner to circulate the petition at any point of time till date.

3 Today the matter is listed before this Court. However, neither the petitioner nor his Counsel are present. In view of the fact that the matter was not circulated till 2017 and the impugned order takes into consideration, legal position prevailing an inquiry under Section 340 of the Cr.P.C., the petition is not fit to be entertained and hence, it is dismissed.

(BHARATI H. DANGRE, J.)