

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

CRM-38069-2015 (O&M)
Date of decision : 15.7.2019

Arun Bansal and another **Petitioners**
Versus
Mr. J.M. Rawat and others **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- None for the petitioners.

Mr. Aseem Aggarwal, Advocate for respondents.

KULDIP SINGH, J (ORAL).

This is a petition filed under Section 340 of the Code of Criminal Procedure for registration of Criminal case/FIR under Section 195, 193 of the Indian Penal Code against respondents for filing false affidavit dated 26.5.2015 by respondent No. 1 before the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short 'the Tribunal').

None is appearing on behalf of the petitioners. Same was the position on the last date of hearing.

A perusal of Section 340 of the Code of Criminal Procedure shows that if some false information is given, the inquiry is to be held by the same authority before whom the proceedings are pending. Only the said authority is competent to file the complaint under Section 195 of the Indian Penal Code. Therefore, the proceedings under Section 340 of the Code of Criminal Procedure does not lie before the High Court giving false affidavit before the Tribunal.

In view of above, present petition is dismissed with liberty to the petitioners to move such application before the Tribunal, if so, desires.

Dismissed with liberty aforesaid.

(KULDIP SINGH)
JUDGE

15.7.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No