

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.39085-2017 (O&M)

Date of decision : 17.07.2019

Ashok Kumar

..... Petitioner

Versus

Sharda Kadan

..... Respondent

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr.S.M.Wadehra, Advocate for the petitioner  
Mr.K.D.S.Hooda, Advocate for the respondent

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

**KULDIP SINGH J. (Oral)**

Petitioner Ashok Kumar has moved this petition against his sister Sharda Kadan under Section 340 Cr.P.C. for initiating criminal proceedings against her for committing offence under Section 193 IPC for making wrong averments in CWP No.3610 of 2015.

It is stated that the respondent Sharda Kadan filed CWP No.3610 of 2015 against State of Punjab, Executive Engineer, Punjab Power Corporation Limited, Malout Division, Malout, District Muktsar and Sub Divisional Officer, Punjab Power Corporation Limited, Sub Division Division, Malout, District Muktsar. It is stated that in the petition wrong averments were made that she had applied under the RTI Act before the said authority and that she had also filed an appeal before appellate authority under RTI Act. It is stated that no application under RTI Act was filed

before the said authority nor any appeal was filed by the respondent.

Attention of the Court is drawn towards the order passed by this Court dated 9.3.2015 (Annexure A2) in the said writ petition, wherein said assertion was made that application was filed on 18.12.2014 and adjournment was sought to place a copy of the information supplied under the RTI Act on file. After obtaining one adjournment, said petition was withdrawn vide order dated 19.5.2015 passed by this Court.

I am of the view that there is no prima facie case to show that wrong averments were made. RTI application is alleged to have been filed before PPCL authority. Therefore, only the said authority knows as to whether said application was filed or not and if so what was the result? Mere assertion of the counsel at the preliminary hearing is no ground to hold that no application under RTI Act was filed. Petitioner himself has produced on file a copy of the appeal filed before the appellate authority by Ch. Prahlad Kumar, who is the father of the parties. Therefore, it appears that the respondent might be referring to his father, as family member, by saying that they had filed appeal before RTI authority.

After going through the petition, I am of the view that no prima facie case is made out nor it is expedient and in the interest of justice that any inquiry under Section 340 Cr.P.C. should be held into the said allegations. It appears that it is a dispute between brother and sister. In such circumstances, this Court should not be allowed to be made a playground to settle scores.

Resultantly, the present petition stands dismissed.

**17.07.2019**  
*gk*

**(Kuldip Singh)**  
**Judge**

Whether speaking/ reasoned:  
Whether Reportable:

Yes  
No