

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.55112 of 2023 (O&M)
DATE OF DECISION: 03rd NOVEMBER, 2023

Prabir Bhattacharyya

.... Petitioner

Versus

M/s Siemens Limited

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Petitioner Prabir Bhattacharyya in person.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of judgment/order dated 13.04.2023 (Annexure P-1) passed by the Additional Sessions Judge, Gurgaon in the criminal revision petition No.CRR-111-2023 dated 24.02.2023 titled Prabir Bhattacharyya Vs. M/s Siemens Limited (Annexure P-2) filed by the petitioner, whereby the revision petition against an order passed in proceedings under Section 340 Cr.P.C. has been dismissed, with certain other prayers made in the present petition.

2. Since the petitioner is appearing in person, therefore, he was offered the services of a legal aid counsel. However, the petitioner has asserted that he himself is a law graduate; and that he will argue his case himself.

3. The basic facts upon which the present petition is filed are that the petitioner happens to be the Ex-employee of M/s Siemens Private Limited. The petitioner has asserted that he has filed a criminal complaint against M/s Siemens Power Engineering Private Limited and its responsible officials who were specifically named in the complaint. The basic allegations in the complaint were that the petitioner was granted a particular pay-scale w.e.f. 01.07.2009. However, the pay-scale which was made applicable to the other employees was not granted to the petitioner. The repeated requests made by the petitioner for granting the scale which was being granted to the other similar situated employees of the company, were not heeded to by the respondent. Because of this non-revision of the pay scale at par with the other employees of the company, the petitioner had suffered a huge financial loss. Alleging these facts, the above said complaint was filed. In the said complaint, on being summoned by the petitioner Mr. Ajay Malhotra, Manager (HR) had appeared as a witness in preliminary evidence. However, in his deposition Mr. Ajay Malhotra, allegedly, made false statement before the Court and had filed replies with false assertions. But the above said complaint has not proceeded further from the stage of preliminary inquiry. Even the summoning order has not been passed in the said complaint. However, alleging that Mr. Ajay Malhotra had made false statement in his deposition before the Court, the petitioner moved an application under Section 340 Cr.P.C.; before the same Court; for initiation of prosecution against Mr. Ajay Malhotra for giving false evidence. In the said proceedings, initiated under Section 340 Cr.P.C., the petitioner examined himself as a witness. Besides himself, the petitioner

desired to summon three more witnesses, namely, M/s Siemens Limited through any authorized representative, Mr. Surjeet Saxena, Head of IT Department of the company and Mr. Jaswant Batwal, Draftsman. The said witnesses were summoned by the trial Court vide order dated 14.10.2015. Thereafter, an application was moved by the respondent-M/s Siemens Ltd. claiming protection under Article 20 (3) of the Constitution of India, with a prayer that the summons issued to the respondent to appear as a witness be recalled. The said application was allowed, vide order dated 08.12.2022. Feeling aggrieved against the said order, the petitioner had preferred a revision petition before the Court of Additional Sessions Judge, Gurugram. During the hearing, the Revisional Court had put a specific question to the petitioner qua maintainability of the petition, the same being against an interim order passed by the trial Court. Ultimately, the Revisional Court has held that since the order passed by the trial Court was interlocutory in nature, therefore, the revision petition, *per se*, was not maintainable. Challenging the said orders passed by the Court below, the present petition has been filed by the petitioner.

4. Arguing the case, the petitioner has submitted that the order passed by the trial Court was not interlocutory in nature. Since, while ensuring blanket protection under Article 20(3) of Constitution of India to the witness, the fundamental right of the said witness has finally been decided qua the protection granted to him, therefore, the said order was final in nature and not interlocutory, as such. The petitioner has relied upon the judgment rendered by this Court in the case of ***M/s Ginni Garments and another Versus M/s Sethi Garments and another, CRR***

No.9872 of 2018, decided on 04.04.2019, to submit that in that case the order granting interim compensation has been held to be non-interlocutory and thus a revisable order. Therefore, merely because the order is passed at an intermediate stage, it cannot be branded as interlocutory order to exclude the provision of revision by a Superior Court. The Revisional Court has gone totally wrong in law in its conclusion qua the order being interlocutory in nature on the premise that even if the revision petition filed by the petitioner was allowed, this would not terminate the trial, as such. Accordingly, the petitioner submitted that for determining whether the order is interlocutory in nature or not, it is not the final determination of the trial as a consequence, rather, it is only final decision on a particular point of *lis*; which is under consideration at the time of passing of the impugned order. As submitted above, since vide the impugned order the fundamental right of the witness was finally adjudicated upon by the trial Court, therefore, it was not an interlocutory order. Therefore, the revision petition was very much maintainable against the said order. The petitioner has also relied upon the judgment rendered by this Court in the case of ***Uppal Credit & Investment Pvt. Ltd. Versus Ashwani Kumar, CRM-M-15173-2012, decided on 22.03.2016***, to submit that declining the summoning of a witness is non-interlocutory, and thus, revisable order. In the present case also, the Court has declined summoning of the witnesses. Therefore, the order is revisable. The petitioner has further relied upon the judgment rendered by Hon'ble the Supreme Court in the case of ***Parmeshwari Devi Versus State and another, 1977 AIR 403***, to buttress his arguments. The petitioner has also submitted that in another

connected case another co-ordinate Revisional Court has held a similar order to be intermediate and not an interlocutory order. Hence, there has to be consistency in judicial approach. Moreover when, earlier, the petitioner had approached this Court vide order dated 01.11.2019 passed in CRM-M-46704-2019, this Court had granted him liberty to approach the lower Revisional Court. Hence, it is obvious that order in question cannot; now; be held to be an interlocutory order.

5. Having heard the petitioner and having perused the orders passed by the Courts below, pleadings raised by the petitioner in the present petition, as well as, the proceedings initiated by him before the Courts below, this Court does not find any ground to interfere in the present petition in favour of the petitioner. The main issue raised by the petitioner is that since the Court has decided upon the fundamental right of the respondent; therefore, the trial Court had passed a final order in the matter. Hence, the Revisional Court was not right in holding the order passed by the trial Court to be interlocutory. However, there is no cut-and-dried criteria for determining whether the order passed by the Court would be an interim order or an intermediatory order. The issue qua the nature of the order would be dependent upon the facts and circumstances of the case in which the order has been passed; and also the order passed by the Court, as well. This has been so held by Hon'ble the Supreme Court in the case of ***Parmeshwari Devi Versus State and another, 1977 AIR 403*** which was further explained in ***Madhu Limaye, V.C. Shukla Versus State through CBI, 1980 SCC (Criminal) 695***.

6. A perusal of the application moved by the petitioner for summoning of the witness also shows that he had, mainly, tried to

summon the record of the respondent-company qua his employment and qua the employment of other persons who were summoned as witnesses. At this stage, it is appropriate to have a reference to the application moved by the petitioner and the contents thereof; qua the summoning of witnesses; which are reproduced herein below: -

“xxxx xxxx xxxx xxxx

1. *That the complainant submits the list of witnesses for preliminary examination as under:*

(a) *M/s Siemens Limited (CW No 2), 130, Pandurang Budhkar Marg, Worli, Mumbai-400018, India through any of its responsible/competent officer(s) for the following:*

(i) *For production of the following documents:*

- *All documents of M/s Siemens Power Engineering (P) Limited ("SPEL", now amalgamated with M/s Siemens Limited since 1.01.2013) regarding permanent residential naddress, educational qualifications and Industrial experiences of Mr. Ajay Malhotra, Senior Manager, Human Resources department of M/s Siemens Limited located at Tower B, JIL Building, Plot No. 78, Sector 18. Gurgaon-122015. Haryana, India.*
- *ISO 9000 Certification of SPEL in 2008 and 2009 and the name(s) of the company(ies) issuing such certificate(s).*
- *All Documents of SPEL and M/s Siemens Limited defining specific responsibilities of Human Resources departments in respect of fixing of revised salaries of employees and payment of salaries of employees.*

- *List of employee records kept with the Human Resources departments of SPEL and M/s Siemens limited.*
- *All documents of SPEL defining the main roles/functions of a Manager/Senior Manager in the Human Resources department.*
- *All documents related to/giving basis and guidelines of revised salaries employees in the Senior Manager and the Manager cadre in the Steam Turbine Design department of SPEL in July 2009.*
- *All Documents giving guidelines of SPEL and M/s Siemens Limited related to the Increment letters issued to the employees, specially those defining the role of the official named on the top right hand side of the Increment letters and whose details such as 'Email' address, 'Fax' Number and 'Phone' number are given on the Increment letters.*
- *Name, Fax number and Email address of the official of SPEL mentioned at the right top part of the Increment Letters issued to employees of the Steam turbine Design Department of SPEL in July 2009.*
- *All guidelines regarding nomenclature of file system of SPEL and M/s Siemens Limited.*
- *Increment letters alongwith all Annexures for the years 2008, 2009, 2010 and 2013 of Mr. Ajay Malhotra aforesaid.*
- *Increment letters alongwith all Annexures for the years 2008, 2009, 2010 of :*
 - *Mr. Rahul Jain, former Senior Manager, Steam Turbine design department of SPEL (presently Head of Generator design department of M/s*

Siemens Limited located at Tower B, JIL Building, Plot No. 78, Sector 18, Gurgaon-122015, Haryana, India)

- *Mr. Sukesh Kakar, former Senior Manager, Steam Turbine design department of SPEL (presently working with Steam Turbine Design department of M/s Siemens Limited located at Tower B, JIL Building, Plot No. 78, Sector 18, Gurgaon-122015. Haryana, India).*
- *Mr. Pankaj Chadha, former Senior Manager, Steam Turbine design department of SPEL (presently working with M/s Siemens Limited located at Tower B, JIL Building, Plot No. 78, Sector 18, Gurgaon-122015, Haryana, India).*
- *Mr. Venkatesulu Sugali, former Senior Manager, Steam Turbine Design department of SPEL*
- *List of superiors of Mr. Ajay Malhotra with their designations in the Human Resources department of SPEL during 2008-2010.*
- *Job profiles of Mr. Ajay Malhotra as listed in his Employee Feedback Assessment (EFA) dialogue for the years 2008 to 2012.*
- *Names of officials of Human Resources department of SPEL involved in the salary revision in SPEL in August 2008, July 2009, 2010, 2011 and 2012 alongwith the respective years.*
- *The name(s) of the department(s) and the personnel of SPEL for 2008-2012 involved in remitting the monthly salaries of employees of SPEL to their salary accounts.*
- *The name(s) of the department and the personnel of SPEL generating and sending the*

salary slips through emails to the employees of SPEL for 2008 to 2012.

- *The name of the department of SPEL responsible for issuing Form 16s and associated other documents for Income Tax Return purposes of employees of SPEL for the assessment years 2008-09, 2009-10 and 2010-11.*
- *List of all email addresses included in the coded Email address "SPEL_GlobalGroup" mentioned in the email dated 29th July 2009 of Ms. Sangeeta Vaid on the subject of new compensation structure effective July 2009.*
- *List of all email addresses included in the coded Email address "SPEL_All" mentioned in the email dated 29th December 2009 of Ms. Sangeeta Vaid on performance pay payments to employees.*
- *List of all speed post/registered letters of the complainant Mr. Prabir Bhattacharyya addressed to Mr. Ajay Malhotra received at M/s Siemens Limited, Tower B, Plot No. 78, JIL Building, Sector 18, Gurgaon-122015 till date their delivery status alongwith respective dates of delivery personally to Mr. Ajay Malhotra.*
- *List of all Emails of the complainant Mr. Prabir Bhattacharyya addressed to Mr. Ajay Malhotra received at the server of M/s Siemens Limited, Tower B, Plot No. 78, JIL Building, Sector 18, Gurgaon-122015 till date and the dates and time at which the same reached the official Inbox of Mr. Ajay Malhotra, the dates and times when the said emails were read and/or deleted by Mr. Ajay Malhotra.*

- (ii) For examination in respect of, amongst others,:
- general and key functions of the human resources department of SPEL and M/s Siemens Limited and all related guidelines of SPEL and M/s Siemens Limited, kinds of employees records maintained in the said Human resources department guidelines defining accessibility of the documents to the employee concerned and the officials of the said department in both SPEL and M/s Siemens Limited.
 - ISO certification and related broad guidelines of SPEL and M/s Siemens Limited
 - Postal Mail delivery system in M/s Siemens Limited, Tower B, Plot No. 78, JIL Building, Sector 18, Gurgaon-122015
- (b) Mr. Yashwant Batwal (CW No 3), Designer, Steam Turbine design Department, M/s Siemens Power Engineer (P) Limited in the years 2008-2012 and now working with M/s Siemens Limited at Tower B, Plot No. 78, JIL Building, Sector 18, Gurgaon-122015 for the following:
- (i) For production of the following documents:
- his salary slips issued by SPEL for April 2009, June 2009, July 2009, December 2009 and January 2010.
 - his Increment letters issued by SPEL for the years 2008 to 2010.
 - List of all letters/emails/notices of the complainant Mr. Prabir Bhattacharyya to him since 2009 till date alongwith their delivery status and dates.
- (ii) For examination regarding certain relevant aspects of his depositions dated 7th May 2014 and 19th July 2014 in the criminal complaint no.

*317 of 2013 in the court of Ms. Varsha Sharma.
Hon'ble, JMFC, Gurgaon.*

(c) *Mr. Sujeet Saxena (CW No.4), Head of the
information Technology Department, M/s
Siemens Limited at Tower B, Plot No. 78, JIL
Bunding, Sector 18, Gurgaon-122015 or his
official designate for the following:*

(i) *For production of the following documents:*

- *List and copies all emails of the complainant
Mr. Prati Bhattacharyya to Mr. Ajay Malhotra
at his official email address of
'ajay.malhotra@siemens.com' since the year
2009 all date.*
- *The dates and times when the said emails
reached the official Inbox of the said Mr. Ajay
Malhotra and further when the said emails were
read and/or deleted by the said addressee Mr.
Ajay Malhotra and all proofs thereof.*

(ii) *For examination regarding email system of
SPEL and M/s Siemens Limited.*

xxxx xxxx xxxx xxxx”

7. Viewed in the context of above summoned record, now the order passed by the trial Court deserves to be referred. The impugned order dated 08.12.2022 passed by the trial Court clearly shows that the trial Court has not declined the summoning of the record, as required by the petitioner. It has only ordered that the complainant would be at liberty to get the requisite record summoned through the concerned clerk or any other authorized representative of the company. This was even the prayer made by the petitioner himself. Therefore, no prejudice has been caused to the petitioner. In essence, the trial Court has only granted exemption to

specified person from appearing as a witness. Even the persons who have been exempted by the trial Court from personal appearance as witnesses; were summoned by the petitioner only with reference to the record of the respondent-company qua them. Therefore, the nature of order clearly shows that it has not affected any right of the petitioner, as such, qua summoning of the material which he had considered appropriate to bring on record in the case. What is the perspective and the ostensible context of summoning of the record; would be discussed in the coming paragraphs. At this stage, it suffices to say that the trial Court has not even refused to summon the witness with the record of the company and, thus, no right of the petitioner; to lead the evidence as a litigant; is affected in any manner, whatsoever. Hence, the order is only in interlocutory in nature. The lower Revisional Court has not committed any illegality or impropriety while rejecting the revision petition filed by the petitioner.

8. To show the nature of the order passed by the trial Court to be intermediate and not interlocutory, the petitioner has emphasized that fundamental right of the respondent/witness has been finally decided upon by the trial Court, therefore, it is not an interlocutory order. More emphasis of the petitioner is upon the alleged blanket protection granted to the respondent/witness. However, this argument of the petitioner deserves to fail for two reasons. Firstly, even if, any fundamental right of the respondent/witness is decided upon by the trial Court, that may give reason or cause for further challenging the order by the said respondent/witness. However, that by no means, would give any reason or cause to the petitioner to go to the Court for challenging the decision

upon the fundamental right of the respondent/witness. Secondly, the trial Court has, in fact, not decided anything qua the fundamental right of the respondent/witness. The right of the respondent/witness is so clearly stated in Article 20 (3) of the Constitution of India itself. Therefore, even if the Court had not passed specific order in that regard; the said respondent/witness would still have enjoyed the said protection under Article 20 (3) of the Constitution of India qua every question put to him as a witness, if the same was incriminating qua him. Moreover, the argument of the petitioner qua the blanket protection granted to the respondent-company is also absurdity in logic. Once, the Constitution provides an unconditional protection to a person accused of an offence qua not being forced to become a witness against himself, then that protection *per se* is a blanket Constitutional protection, which can be raised by the said person at any time. So far as the exemption from personal appearance as witness; of particular persons with the record, is concerned, as explained above, that does not decide the right of the petitioner in any manner. Hence, even this argument of the petitioner has to be noted; only to be rejected.

9. Still further, the proceedings, from which the present petition has arisen, are on an application moved by the petitioner for requesting the Court to initiate the proceedings under Section 340 Cr.P.C. for alleged false deposition by the respondent/witness. In this context, the language and scope of Section 340 Cr.P.C. also deserves to be noticed. The provision as contained in Section 340 Cr.P.C. is as reproduced herein below:

“340. Procedure in cases mentioned in section 195. -

(1) When, upon an application made to it in this behalf or otherwise, any Court is of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary,-

- (a) record a finding to that effect;*
- (b) make a complaint thereof in writing;*
- (c) send it to a Magistrate of the first class having jurisdiction;*
- (d) take sufficient security for the appearance for the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate; and*
- (e) bind over any person to appear and give evidence before such Magistrate.*

(2) The power conferred on a Court by sub- section (1) in respect of an offence may, in any case where that Court has neither made a complaint under sub- section (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub- section (4) of section 195.

(3) A complaint made under this section shall be signed, -

- (a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint;*

(b) in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorize in writing in this behalf.

(4) In this section, " Court" has the same meaning as in section 195."

10. A perusal of the language of Section 340 Cr.P.C. makes it clear that the proceedings under this Section are to be initiated only in case the same are expedient in the interest of justice. Even that is at the discretion of the Court; and it does not give any independent right to a litigant to compel the Court to initiate the proceedings under Section 340 Cr.P.C. Under this Section, the Court may initiate proceedings even on its own and without any application from any other litigant, if considered appropriate by the Court. Even if, any litigant so moves an application praying to the Court for invoking its powers under Section 340 Cr.P.C., that is not more than an intimation given to the Court regarding alleged deviation of the respondent from standard expected conduct, which may or may not be actionable in the opinion of the Court. Court is to see the expediency whether it should, at all, initiate any inquiry envisaged by Section 340 Cr.P.C. Language of this section further shows that Court is required to record a finding qua the filing of the complaint being 'expedient' only if it is to file a complaint. For negating 'expediency' of filing a complaint even finding is not required to be recorded by the Court. Rather in that case, even the inquiry under Section 340 Cr.P.C. is not to be initiated. Hence, for not initiating inquiry under Section 340 Cr.P.C. the Court is not even required to record any detailed reasons. It can simply reject the application moved under Section 340 Cr.P.C., only by saying that in the facts and circumstances of the case it does not deem

it expedient to initiate any inquiry under Section 340 Cr.P.C. Such an order would not even be amendable to challenge by the litigant who had moved the application under Section 340 Cr.P.C. Hence, the very initiation and scope of the inquiry under Section 340 Cr.P.C. is purely at the discretion of the Court. Not only that, under the criminal jurisprudence, every failed prosecution may invite adverse consequences qua the complainant; as well. In case, the Court intends to proceed further under Section 340 Cr.P.C. and files a complaint against a person, then the official of the Court who is designated as a complainant in such a complaint; may also have to face some adverse consequences under certain circumstances. Therefore, even if the person moving application under Section 340 Cr.P.C. convinces the Court qua the deviated conduct of the alleged offender being actionable; or the Court otherwise also feels that the said deviation is actionable, still the Court may, in particular facts and circumstances of the case, not find it appropriate or expedient to become a complainant against a person deviating from standard legal conduct. Hence, the petitioner does not have any kind of right qua the proceedings under Section 340 Cr.P.C., much less to speak of having any right to examine a particular witness or to examine witnesses in a particular manner. The entire discretion under Section 340 Cr.P.C. is with the Court, *de hors*, the stand taken by any litigant qua the conduct of a person deviating from the standard legal behaviour. The Court may or may not consider it expedient to even start or to go ahead with proceedings under Section 340 Cr.P.C., keeping in view the facts and circumstances of the alleged perjury.

11. In fact, ours is an adversarial system of adjudication where the parties are free to take their pleadings and to lead the evidence of their choice. Not only that, under certain circumstances, the law permits even the alternate pleas to be taken by the litigants, which, in effect, may be even contradictory to each other. In such a system of adjudication, the party loosing before the Court can always be found with some deviation from the standard expected legal conduct; as per the law. Likewise; in every failed prosecution, the Investigating Officer of the case can be blamed for creating false evidence and leading the same before the Court, which led to wastage time of the Court and harassment to innocent citizen. It may be a very poor consolation that such investigating officer can take plea of 'good faith' in the trial initiated against him by exercising powers under Section 340 Cr.P.C. Hence, if the Court starts exercising its powers under Section 340 Cr.P.C. routinely, then that would not only put the Courts on a totally undesirable trajectory, rather, would also discourage the litigants from coming to the Court even for their genuine grievances; out of the fear of reprisal by the Court in the garb of powers under Section 340 Cr.P.C. Therefore, it is better for the Courts to keep their hands off the powers under Section 340 Cr.P.C. unless there is an extreme case of brazen, open consistent, intentional and hostile attitude of perjury. In ordinary cases, the Court is not to exercise the powers under Section 340 Cr.P.C. only to make an attempt, either to teach a lesson to a defaulting litigant or to enhance the perceived majesty of the law. The majesty of law is better protected by public faith in Courts and not by the fears of the Courts. Such faith of public in Court is to be preserved even at cost of sparing some defaulting litigants. Hence,

the Court has to avoid exercising powers under Section 340 Cr.P.C. in ordinary course. Since, as observed above, even if the Court is convinced of deviation of a litigant from the standard expected legal conduct, still the Court may not like to exercise its powers under Section 340 Cr.P.C., therefore, if the Court is to reject the application moved under Section 340 Cr.P.C. by a litigant for initiation of complaint against opposite party, then the Court would not be required to record any particular reasons, as well. Such an application can be rejected even by terse order; that in the facts and circumstances of the particular case, the Court does not find it appropriate or expedient to exercise its powers under Section 340 Cr.P.C. Keeping in view this aspect as well, the order passed by the Court during the proceedings under Section 340 Cr.P.C. has to be taken only as an interlocutory order.

12. A perusal of the file also shows that through the present proceedings, the petitioner has only tried to use the Court for collecting of some evidence for the collateral purpose of using the same in a complaint which he had independently filed earlier. Therefore, the entire efforts of the petitioner is in the nature of seeking a roving inquiry through the instrumentality of the Court for the frivolous purpose. Furthermore, this is not the only case initiated by the petitioner in this manner, rather, the record shows that he has initiated other proceedings of the similar nature, as well. Not only that, the petitioner has repeatedly filed various proceedings before different courts; in connection with all the complaints/proceedings initiated by him; resulting into wastage of valuable time of various Courts, and all that for a purpose, which appears nothing but luxury litigation meant only for pessimistic satisfaction of the

petitioner. Otherwise, even this would be a moot point how denial of a particular pay-scale by a private company to its employee can be an offence under the Indian Penal Code. The monetary and employee-employer relations in commercial and industrial establishments are governed by the Industrial and Labour Law, and if the petitioner is covered by anyone of those provisions, then the petitioner would have his remedy under the said Industrial and Labour Law. If he is not covered under any provisions of an Industrial and Labour Law, then the respondent-company was free even to shunt him out of the job, at any time. The contract of service against a private company is not even specifically enforceable, as has been held by Hon'ble the Supreme Court in the case of **Executive Committee of Vaish Degree College, Shamli and others Versus Lakshmi Narain and others, AIR 1976 SC 888**. Hence, if even the service of the petitioner was at the mercy of the respondent-private company, then there would not have been any question of compelling the respondent-company to grant any particular pay-scale to the petitioner at par with other similarly situated employees. The company could have very well granted performance based incentive as financial remuneration to its various staff members. Therefore, the possibility of any offence being involved in that aspect, as well, is very remote. However, that aspect is to be dealt separately by the trial Court in the complaint filed by the petitioner. But the petitioner cannot be permitted to enlarge the scope of his perceived grievance to the extent of roping in the Courts as the complainant, even that, in relation to a matter; which was purely contractual in nature between the petitioner and the respondent-company, in the first instance.

13. Repeatedly raiding the Courts with frivolous litigations have been held to be a ground for initiation of a criminal complaint against a litigant by Hon'ble the Supreme Court in the case of **1995 (1) RCR (Criminal) 697, Delhi Development Authority Versus Skipper Constructions**, wherein it has been held that the judicial adventurism by raiding the courts one after the other, as well as, misuse of the process of the court; also fall in the ambit of a criminal contempt of court. The petitioner claims to be a law graduate and he has been using his legal knowledge, of whatever category he is having, mainly for wastage of the time of various Courts by making them entertain his various frivolous petitions for the past more than one decade, only for testing his knowledge or for testing the knowledge of the Courts. Therefore, the petitioner has already made himself liable for strict action against him. However, it may not be appropriate to initiate any strong action against the petitioner for coming to the Courts with a grievance; even if the same might be totally misconceived; lest the other litigants should be discouraged to avail their legal remedies before the Courts. But the petitioner cannot be permitted to continue in his misadventure of wasting valuable time of various Courts which are already hard pressed and are already in a race against time due to huge pendency of cases before them. Hence, a coercive action is imperative in the present case. To stop the misuse of the process of the Court for oblique purpose and to save the valuable time of the Courts, it would not be unjustified to lend quietus to all the proceedings initiated by the petitioner under Section 340 Cr.P.C. and by putting the petitioner under an appropriate financial burden.

14. Accordingly, the present petition is dismissed with costs of ₹50,000/- to be deposited by the petitioner with the District Legal Services Authority, Gurugram within a period of three months from today.

15. Further, in view of the above factual and legal gamut, and by exercising powers under Section 482 Cr.P.C., it is further ordered that all the proceedings initiated by the petitioner under Section 340 Cr.P.C. and any proceedings consequent thereupon, pending before any Courts as of today, are hereby quashed. It is clarified that the proceedings under Section 340 Cr.P.C. which this Court is quashing today are not restricted to the proceedings from which the present petition has arisen, rather, it would apply to all the proceedings initiated by the petitioner under Section 340 Cr.P.C. qua the respondent-company or its officials.

16. However, the petitioner would be at liberty to continue with his original complaint against the respondent-company, but in accordance with law. In that regard, as well, since the complaint pertains to the year 2012 and it has not been taken up any further even to the stage of summoning of the alleged accused, therefore, the trial Court shall not grant any extra time and leverage to the petitioner enabling him to prolong the said complaint. The proceedings of the said complaint would be carried out by the trial Court with due promptitude; by exercising its powers in accordance with law, as deemed appropriate by the trial Court.

03rd NOVEMBER, 2023
'sandeep'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
Yes