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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on: 23.07.2025

M/s B.R. Beltings

...Petitioner

Versus

Steel Authority of India Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Siddharth Pandit, Advocate
for the petitioner.

Mr. Sharat Kapoor, Advocate and
Ms. Bharyah Garg, Advocate
for the respondents.

ANOOP CHITKARA, J.

1. Seeking initiation of proceedings under Section 195 CrPC, 1973 for commission of offence under Section 193 IPC, 1860 against the Respondents for making a false statement and for suppressing material facts from this Court, the Petitioner had come up before this Court by filing the present petition under Section 340 CrPC, 1973.

2. Petitioner's counsel argued that tendering a false affidavit, concealment, and suppression of material facts prima facie show that Respondents have 'misled' this Hon'ble Court on various counts. All this indicates that they have committed perjury and are liable to be prosecuted by this Court.

3. The petitioner's Counsel further argued that a person who misleads the Hon'ble Court must be dealt with to uphold the sanctity of the judicial proceedings. Moreover, the onus was on the respondents to bring to record the true facts and relevant information for the proper adjudication of the matter. The petitioner submits that this Hon'ble Court has been misled based on false evidence, concealment, and suppression of crucial facts by the respondents in the course of judicial proceedings. Thus, the concerned officials of respondent no.1 and respondent no.2 are responsible for giving false evidence and have concealed/suppressed the material facts from this Hon'ble Court, and proceedings must be initiated against them for an offence under section 193 of the IPC.

4. Petitioner's Counsel submitted that the respondents wanted to override the mandate of Section 19 of the Micro, Small and Medium Enterprises Development Act, 2006 and to



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save themselves from depositing the 75% of the amount of the award did such an act of misleading this Hon'ble Court by concealing material facts on oath to secure stay on the execution proceedings and cause prejudice to the rights and liberties of the petitioner. The respondents have not only defrauded the petitioner but also gone against the very sanctity of this Hon'ble Court, as they have taken this Hon'ble Court for their own benefit. Given the facts and circumstances as mentioned above, the ingredients of Section 193 IPC and Section 195(1)(b) Cr.P.C. are attracted to the present case. Thus, the respondents are liable to be prosecuted and punished for giving false evidence and suppressing material facts before this Hon'ble Court.

5. The Respondent's Counsel submitted that the order dated 17.09.2019 was produced before the Hon'ble High Court and expressly recorded in the order dated 19.02.2020 (Annexure R1/3 to the Reply): "Mr. Singhal has produced an order dated 17.09.2019 rejecting the application under Rule 26 of Order 21 CPC." This shows that the Hon'ble Court was in knowledge of the said judicial order. There was no willful or intentional concealment of the judicial record. The Petitioner's allegation of suppression is patently false. There is thus no suppression, much less an intentional or dishonest one. The Court was fully aware of the order that defeats the premise of the 340 CrPC petition, and mere non-inclusion in the petition does not constitute perjury. The omission to refer to the 17.09.2019 order in the revision was a legal decision, as the order was not the subject of challenge in CR-6689/2019.

6. Ld. Counsel for the respondent further submitted that a false statement must be deliberate, material, and accompanied by the intention or mens rea to mislead, which is absent in the present case.

7. The Respondent's Counsel further submitted that the petition is belated and an afterthought because the civil litigation has concluded. The civil proceedings in CR-6689/2019 concluded vide Order dated 31.05.2023 passed by the Hon'ble High Court of Punjab & Haryana at Chandigarh. The Execution petition was consigned to the record. The arbitral award was set aside by a judgment dated 18.09.2023. The present petition is filed months after being lost in the appropriate civil forum, and while simultaneously pursuing an appeal under Section 37 of the Arbitration and Conciliation Act, 1996, challenging the setting aside of the Arbitral Award, next listed on 22.09.2025. This Petition is a belated, vindictive, and collateral attempt to reopen and criminalize a concluded civil dispute. The court must be satisfied not merely that a falsehood was stated, but that prosecution is expedient in the interest of justice. Section 340 is not a tool for disgruntled litigants.



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8. Ld. Counsel for the respondents further submitted that the Petitioner has withheld from the record the following key facts, i.e., the dismissal of the Civil Revision on 31.05.2023; the judgment dated 18.09.2023 setting aside the award; the fact that the petitioner himself has filed an appeal under Section 37 of Arbitration and Conciliation Act, 1996, which is sub judice; the petitioner has selectively filed only the interim orders dated 16.01.2020 and 19.02.2020, thus misleading this Hon'ble Court while accusing the Respondents of the same.

9. The Respondent's Counsel argued that Respondent No. 2 acted in an official capacity based on corporate instructions. The affidavit dated 04.10.2019 was filed by Respondent No. 2, duly authorized by Respondent No. 1, and is based on official records. No personal motive, fabrication, or malafide intention is alleged or demonstrated. Even otherwise, any falsity must be intentional and materially to affect the proceedings, which is absent in the case here.

10. An analysis of these submissions and the counter-submissions will lead to the following outcome:

11. The main grievance of the petitioner is that while filing Civil Revision No. 6689 of 2019, Respondent No. 2 Rishabh Maheshwari, Asstt Manager, Bokaro Steel Plant, Jharkhand, swore on affidavit in support of the petition in which he made false statements and suppressed material facts. However, the allegations levelled by the petitioner are baseless because he has not specifically explained the said false statement or any fabricated evidence. Section 193 IPC provides for the punishment to whoever intentionally gives or fabricates false evidence in any stage of a judicial proceeding. As regards the affidavit sworn by Respondent No. 2, the Petitioner has not pointed out which false statement was made therein and which he had fabricated evidence for. Mere bald and empty assertions by the Petitioner would not make Respondent No. 2 liable for prosecution under Section 193 IPC.

12. The other limb of the argument raised by the Ld. Counsel for the Petitioner is that Respondent No. 2 had concealed material facts from the court in CR-6689/2019, by not mentioning the order dated 17.09.2019 passed by the court of Additional District Judge Sonapat. Perusal of the abovementioned order shows that the application moved by the Respondents under Order XXI Rule 26 CPC, for stay of the execution petition, was dismissed on the ground that the Respondents had not deposited 75% of the Arbitral Award, which was a condition precedent for stay under Section 19 of the MSMED Act, 2006. Therefore it is crystal clear that the order dated 17.09.2019 pertained to the stay of execution sought by the Respondents, whereas the subject matter of CR-6689/2019 was

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concerning setting aside the order dated 17.07.2019 passed by Additional District Judge, Sonapat; vide which objections filed by the Respondents to the execution petition filed by the Petitioner, had been dismissed. In the CR-6689/2019, the respondents were not required to place on record the order dated 17.09.2019 because it was entirely a different subject matter and it had no bearing on the outcome of the dispute in the CR-6689/2019. Therefore, the Respondents had no malafide intention in not mentioning the order dated 17.09.2019, and by no stretch of imagination can it be said that the Respondents concealed or suppressed any material facts from the court. Moreover, prayer in the petition was for stay of execution, which itself states that no stay is in favour of petitioner.

13. It is evident from the aforementioned discussion that the Petitioner has invoked the mandate under Section 340 CrPC to convert a prima facie civil dispute into a criminal one. And as such, there is no clear evidence of criminal intent on the part of the Respondents. Section 340 CrPC must not be used as a tool to harass parties or to disrupt civil proceedings. The purpose of Section 340 CrPC is to ensure that no perjury is committed while presenting pleadings and statements in Courts, and its objective is not to enter into the private disputes of the parties. Furthermore, the machinery under Section 340 CrPC is not to be set in motion lightly; it is a grave and solemn jurisdiction meant to preserve the sanctity of judicial proceedings and not to be wielded as a weapon of retaliation.

14. Even if all the allegations of the petitioner are hypothetically accepted, the fact remains that Respondent No. 2 had no personal advantage or malice.

15. Consequently, there is no merits in the petition and the same is dismissed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

23.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.