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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-36792-2024
Decided on: 23.07.2025

M/s M.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.

ANOOP CHITKARA, J.

1. Seeking initiation of proceedings under Section 195 CrPC for commission of offence under Section 193 IPC 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.
2. The Petitioner submitted that in the Civil Revision no. 4612 of 2022 filed by the respondents and they misled this Court based on false evidence, concealment, and suppression of crucial facts in the course of judicial proceedings, as they had concealed material fact regarding order dated 17.09.2019 passed by Addl. District Judge, Sonapat.
3. The petitioner's Counsel argued that a person who misleads the Court must be dealt with to uphold the sanctity of the judicial proceedings. He argued that the onus was on the respondents to bring on record the true facts and relevant information for the proper adjudication of the matter. Thus, the concerned officials of respondent no.1 and respondent no.2 are responsible for giving false evidence and concealing/suppressing 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 in the Civil Revision no. 4612 of 2022, the respondents had challenged the order dated 10.12.2021 passed by Additional District Judge, Gurugram whereby application for release of deposit in terms of Section 19 of the Micro, Small and Medium Enterprises Development Act, 2006 had been partly allowed but in the said Civil Revision Petition the Respondents concealed material facts on oath with regard to order dated 17.09.2019 on the application for stay on the execution



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proceedings and thereby caused prejudice to the rights of the petitioner. The respondents had not only defrauded the petitioner but also gone against the very sanctity of this Hon'ble Court, as they had 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. were attracted to the present case. Thus, the respondents were liable to be prosecuted and punished for giving false evidence and suppressing material facts before this Hon'ble Court.

5. The main grievance of the petitioner is that while filing Civil Revision No. 4612 of 2022, Respondent No. 2- S.B. Mathur, Chief General Manager, had sworn an affidavit in support of the petition in which he made false statement and suppressed material fact that the application dated 17.09.2019 for stay of the execution had been dismissed by the court of Addl. District Judge, Sonipat. However, the allegations levelled by the petitioner are unfounded because he has not specifically explained the said false statement or any fabricated evidence. Section 193 IPC provides for the punishment to anyone who 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 evidence was fabricated by him. Mere bald and empty assertions by the Petitioner would not make Respondent No. 2 liable for prosecution under Section 193 IPC.

6. 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-4612/2019, 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-4612/2019 was with regard to setting aside the order dated 10.12.2021 passed by Additional District Judge, Gurugram, vide which objections filed by the Respondents to the execution petition filed by the Petitioner, had been dismissed. In the CR-4612/2019, 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 said Revision Petition. 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.

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7. It is evident from the discussion as mentioned above that the petitioner has invoked the mandate under Section 340 CrPC to convert a prima facie civil dispute into a criminal one. However, there is no clear evidence of criminal intent on the part of the respondents.

8. 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.

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

10. Resultantly, there is no merit in this 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.