



UPMZ010028252025

**In the Court of Additional Sessions Judge Court No.4/Spl. Judge
(E.C. Act) Muzaffarnagar.**

Present: Anurag Panwar, H.J.S ID: UP 2638

Criminal Revision No. 80 of 2025

Preeti D/o Late Ompal Singh, R/o-Village Dativana, P.S.-Chhapar,
District Muzaffarnagar.

... Revisionist

Versus

1. State of U.P.
2. Uttam Singh S/o Dhara Singh,
3. Pratibha W/o Uttar Singh,
R/o-Village Dativana, P.S.-Chhapar, District Muzaffarnagar.
4. Shaukeen, Gram-Pradhan, Village-Kadipur, P.S.-Bhopa, District-
Muzaffarnagar.
5. Sangeeta Chaudhary, Incharge Mahila Thana, Muzaffarnagar.

... Respondents

Case No.14/2025,
U/Sec. 340 Cr.P.C.,
P.S. Mahila Thana,
Distt.-Muzaffar Nagar,

JUDGEMENT

1. The present criminal revision has been filed by the revisionist challenging the order dated 15.02.2025 passed by Ld. Civil Judge (J.D.)/F.T.C. Court No.1, Muzaffarnagar in Case No.14/2025, whereby the Ld. Trial Court has dismissed the application moved by the revisionist U/s 340 Cr.P.C.

2. In nutshell, facts of the matter are that the revisionist filed an application U/s-340 Cr.P.C. praying for punishing the opposite parties for giving false evidence before the court. The Ld. Trial Court has dismissed the aforesaid application vide impugned order. Aggrieved, the Ld. Counsel for the revisionist has filed the present revision.

3. Heard the Ld. counsel for the revisionist and perused the records.
4. The opposite party no.2 had moved an application in case no.22618/2021, U/s-498A, 323, 504, 506 I.P.C & U/s-3/4 D.P. Act, stating that the son of the applicant has no concern with him and he has been ousted from all his movable and immovable property. Accordingly, it was prayed that the property belonging to the applicant shall not be attached in execution of warrants U/s-82 Cr.P.C. issued against his son.
5. As per the revisionist the aforesaid assertion of the applicant is false, as the applicant in the revision filed before the District Judge, Muzaffarnagar has stated that his son Vishwakant is under going through serious mental agony and is under going treatment for mental disorder and depression and hence, is unable to come to the court. The assertion of the applicant in his application is contrary to the stand taken by him in the revision and hence he is liable to be punished U/s-340 Cr.P.C.
6. For setting up an inquiry or making a complaint U/s-340 Cr.P.C. in the present case, it is essential that the court is satisfied that an offence of giving false evidence or fabricating false evidence for the purpose of being used in a judicial proceedings has been committed by the opposite parties. From the perusal of record it is evident that the Opposite Party No.2 has only moved an application before the Trial Court alleging that the son of the applicant has no concern with him and he has been ousted from all his movable and immovable property. The application was moved so that the property belonging of O.P. No.2 may not be attached in execution of warrants issued against his son U/s-82 Cr.P.C. The application does not fall within the purview of giving false evidence as contemplated U/s-193 Cr.P.C. Moreover, as per the settled law the court is not bound to make a complaint regarding commission of an offence referred to in section 195(1)(b) Cr.P.C. as the section is conditioned by the words "court is of the opinion that it is expedient in the interests of justice" which goes on to show the intention of legislature while framing

the section. Every contradiction in the application/assertion of the parties cannot be treated as falsehood and surely cannot be taken as furnishing or fabricating false evidence. There is matrimonial litigation pending between the parties and the revisionist is filing various applications against the opposite parties. The application does not seem to be bona-fide and has been rightly rejected by the Ld. Trial Court.

7. The order dated 15.02.2025 passed by the Ld. Trial Court dismissing the application moved by the revisionist U/s-340 Cr.P.C. does not appear to be suffering from any infirmity. The order is sound exercise of discretion vested in the trial court and is not liable to be interfered with. The order dated 15.02.2025 passed by the Ld. Trial Court dismissing the application moved by the revisionist U/s-340 Cr.P.C. is accordingly upheld. In view of the above-mentioned reasons, I do not find any merit in the revision petition and the same deserves to be dismissed.

ORDER

The present revision is dismissed.

(Anurag Panwar)

Dated :-13.07.2026

Additional Sessions Judge, Court No.4/
Spl. Judge (E.C. Act), Muzzafarnagar.

Judgment signed, dated and pronounced by me in open court today.

(Anurag Panwar)

Dated :-13.07.2026

Additional Sessions Judge, Court No.4/
Spl. Judge (E.C. Act), Muzzafarnagar.