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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 224/2020 & I.A. 9537/2022**

MRS. RAJBALA SAIN AND ORS Plaintiffs

Through: Mr. Gaurav Goyel, Mr. Abhishek and
Mr. Rohit Agrawal, Advocates

versus

MR. C.L. SAIN AND ORS Defendants

Through: Ms. Nidhi Mehrotra, Advocate for D-
1 and D-9

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **10.01.2023**

CRL.M.A. 563/2023

1. The instant application under Section 340 read with 195(1)(b) of Code of Criminal Procedure, 1973 (hereinafter "Cr. P.C.") has been filed on behalf of defendant no. 1 seeking the following reliefs:

"In the light of the facts and circumstances of the case it is most respectfully prayed that this Hon'ble Court may be pleased to initiate criminal proceedings u/s 193/195/196/199/202/209/211 I.P.C. and other provisions of law against the Plaintiffs by initiating an inquiry within the provisions of Section 340 read with section 195(1)(b) Cr. P. C. more particularly:

a) To record a finding of the facts in the IA No.9537/2022 filed by Plaintiffs before this Hon'ble Court; and

b) To direct the police authorities to investigate the matter, gather the evidence, and place its report before this Hon'ble Court along with the evidence gathered



*c) To make a complaint in writing into the offences committed by the aforesaid Plaintiffs; and
d) To send it to the Ld. Registrar for sending the complaint to the concerned Ld. Metropolitan Magistrate/Ld. Magistrate of first class having jurisdiction; and
e) To take the aforesaid culprits, the Plaintiffs into custody, the offences being non-bailable; and
f) To take such other actions and pass order as this Hon'ble Court may deem fit and proper in the interest of justice.”*

2. Learned counsel appearing on behalf of defendant No. 1 submitted that the plaintiffs have made various false statements in IA No. 9537 of 2022. It is submitted that on the basis of the said false statements, the defendant no. 1 prays that an enquiry may be made in the present matter under Section 340 of the Cr. P. C.

3. Learned counsel for plaintiffs appears on advance notice. Hence, there is no requirement for issuing formal notice.

4. Learned counsel for plaintiffs prays for four weeks' time to file reply/objection to the application. Let the same be filed within four weeks as prayed.

5. List on 5th April, 2023.

CS(OS) 224/2020

1. During the proceedings, it is informed on behalf of the plaintiffs that I. A. No. 9342/2020 is also pending before this Court but the same is not listed today.

2. On query of this Court about the reply of I. A. No. 9342/2020, learned counsel for defendant no. 1 submitted that reply of I. A. No. 9342/2020 is not required. It is further submitted that some other I.A. Nos. 7226/2020, 11901/2020, 11902/2020, 11903/2020, 11906/2020 and



563/2022 are also pending before this Court but same are not listed today.

3. The Registry is directed to place on record all the applications pertaining to the instant suit before the next date of hearing.

4. List on 5th April, 2023.

CHANDRA DHARI SINGH, J

JANUARY 10, 2023

gs/ug

[Click here to check corrigendum, if any](#)