

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****SPECIAL CRIMINAL APPLICATION NO. 10156 of 2017**

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NANDKISHOR CHIMANBHAI MAKWANA

Versus

STATE OF GUJARAT

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Appearance:

MR VISHWAS S DAVE for the PETITIONER(s) No. 1

MS NISHA THAKORE APP for the RESPONDENT(s) No. 1

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**CORAM: HONOURABLE MR.JUSTICE S.H.VORA****Date : 28/02/2018****ORAL ORDER**

1. By way of the present application, the applicant challenges the order dated 09.10.2017 passed by the learned Principal Judge, Family Court, Bhavnagar below Exh.71 in Criminal Misc. Application No.03 of 2013 (Old No.1985/2006).

2. Vide application Exh.71, the applicant has moved an application for lodging the complaint under the provisions of Sections 181, 182, 193, 200, 209 and 420 of the Indian Penal Code against the respondent – wife.

3. Having heard submissions made at bar and considering the averments made in the application filed under Sections 125 and 127 of the Code of Criminal Procedure, it appears that respondent – wife has made averment to the effect that she does not have sufficient bank balance nor she possesses means to earn. According to the applicant, the respondent – wife has falsely stated that she does not have bank balance despite the fact that she is having bank account with Bank of India and for such, deposition of Mr.Chandanmal Soni is

recorded below Exh.56 on 05.10.2011.

4. Upon reading of applications preferred under Sections 125 and 127 of the Code of Criminal Procedure, this Court does not find any such fact whereby, the Court can infer that there is any suppression of fact or any false evidence is placed on record to initiate any inquiry, as requested by the learned advocate for the applicant.

5. Therefore, no illegality or impropriety is found to have been committed by the learned Principal Judge in passing the impugned order. Hence, present application, being devoid of merits, both on law and facts, is hereby rejected at the admission stage.

**(S.H.VORA, J.)**

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