



2026:DHC:5993-DB



§~89

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 9862/2026 and CM APPLs. 45913/2026., 45914/2026****OMBIR**

.....Petitioner

Through: Mr. Ombir, Petitioner in person

versus

**THE COMMISSIONER OF POLICE AND
ORS.**

.....Respondents

Through: Mr. Gaurav Mishra, CGSC and
Mr. Ayush Kasana, Adv.**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE VINOD KUMAR****JUDGMENT (ORAL)**

%

21.07.2026**C. HARI SHANKAR, J.**

1. The present writ petition assails order dated 15 January 2026 passed by the Central Administrative Tribunal¹ in MA 1517/2023 in OA 1669/2011. The petitioner, as the applicant in MA 1517/2023, sought initiation of criminal proceedings against the Joint Commissioner of Police (Northern Range)² under Section 340 of the erstwhile Code of Criminal Procedure, 1973³. The Tribunal has dismissed the MA, against which the petitioner has approached this Court.

2. This is a case of gross abuse of the process of law.

¹ "Tribunal" hereinafter

² "JCP" hereinafter



2026:DHC:5993-DB



3. Disciplinary proceedings were instituted against the petitioner while he was working as a Constable in the Delhi Police. An inquiry ensued, in which the Inquiry Officer⁴ held the charges against the petitioner to be partly proved, to the extent of having misbehaved with his superior at a public place.

4. This was followed by order dated 19 November 2009 passed by the Disciplinary Authority⁵, the Additional Deputy Commissioner of Police, as the DA of the petitioner, punishing him with permanent withholding of one increment. The petitioner appealed against the said order. The appeal was dismissed by the Appellate Authority on 18 March 2010.

5. Aggrieved thereby, the petitioner approached the Tribunal by way of OA 1669/2011. By order dated 22 November 2011, the Tribunal dismissed the OA.

6. This order was challenged by the petitioner before this Court by way of WP(C) 6223/2012. By order dated 17 April 2013, this Court remanded OA 1669/2011 to the Tribunal for *de novo* adjudication.

7. The *de novo* adjudication once again culminated in dismissal, by the Tribunal, of OA 1669/2011 by order dated 3 September 2014.

8. The petitioner filed RA 217/2014 for review of the decision

³ "Cr.P.C" hereinafter

⁴ "IO" hereinafter

⁵ "DA" hereinafter



2026:DHC:5993-DB



dated 3 September 2014, which was also dismissed by the Tribunal on 12 July 2016.

9. Assailing this decision, the petitioner approached this Court by means of WP(C) 3691/2017, which was disposed of, by this Court, by judgment dated 18 January 2019, modifying the judgment of the Tribunal.

10. The petitioner, thereafter, filed Review Petition 82/2019 before this Court, seeking review of the judgment dated 18 January 2019, which was dismissed by this Court on 25 February 2019.

11. The decisions of this Court were carried by the petitioner in appeal to the Supreme Court by way of SLP(C) 11604-11605/2019, which were also dismissed on 31 July 2019.

12. Thus far, the civil proceedings instituted by the petitioner.

13. Having thus lost up to the Supreme Court, the petitioner launched an attack on the respondents through the process of criminal law.

14. The petitioner first filed WP (Crl.) 460/2021 for initiating proceedings against Mr. Sudhir Singh, the IO, on the ground that, in the Inquiry Report, there was an erroneous translation, into English, of one of the statements made by PW-1. This writ petition was disposed of, by this Court, on 28 July 2021 with liberty to challenge the



2026:DHC:5993-DB



impugned order before an appropriate forum.

15. Instead of doing so, the petitioner re-approached the Tribunal by way of MA 2637/2021, once again seeking initiation of criminal proceedings, against Mr. Sudhir Singh under Section 340 of the Cr.P.C, for erroneously translating, into English, the afore-noted statement of the PW. The prayers in this MA read thus:

“PRAYER

Therefore on the facts and circumstances of the case, the Applicant most humbly and respectfully prays that this Hon'ble Tribunal may graciously be pleased;

1. to direct the Ld. Principal Registrar of this Hon'ble Tribunal to initiate proceedings under Section 340 of Criminal Procedure Code, 1973 against the Respondent No. 5 for commission of offense under Section 195 of the Indian Penal Code by submitting Altered English Translation of the Statement of PW - I before the Courts of Law which had the effect of misleading the Courts and miscarriage in the administration, of justice to the Applicant who was punished due to submission of that Altered English Translation of the Statement of PW I before the Hon'ble courts.
2. to direct the Respondents to follow the Orders of the Hon'ble Delhi High Court dated 18.01.2019 in its letter and spirit so that the punishment to withholding of one future increment would not have the effect of postponing his future increments, promotions or any other benefits.
3. to consider the Original Hindi Statement of PW-1 and modify the Orders of this Hon'ble Tribunal dated 03.09.2014 which was based on the altered English Translation of the Hindi Statement of PW-I.
4. to Pass any other order(s) as deem fit and proper in the interest of Justice.”



2026:DHC:5993-DB



MA 2637/2021 was withdrawn by the petitioner on 26 August 2022 “with liberty in accordance with law”.

16. Piggybacking on the said liberty, the petitioner again approached the Tribunal by way of MA 3745/2022, this time seeking initiation of proceedings under Section 340 against the JCP, instead of the IO, *though the JCP had nothing to do with the translation of the statement of PW-1*. The petitioner’s contention was that, having acted on the basis of the Inquiry Report and awarded penalty to the petitioner, the JCP was as culpable as the IO in the act of erroneous translation of the statement of PW-1 and was, therefore, equally liable to be taken into task under Section 340 of the Cr.P.C.

17. MA 2637/2021 was also withdrawn by the petitioner on 26 August 2022, with liberty in accordance with law. The order dated 26 August 2022 reads, thus:

“MA No. 2637/2021

Shri Prasad, learned counsel for the applicant seeks permission to withdraw the present MA, vide which, he seeks certain modifications in the Tribunal’s order, with liberty in accordance with law. Permission is granted.

MA stands dismissed as withdrawn, with liberty, in accordance with law.”

18. Undaunted and unfazed, the petitioner *again* approached the Tribunal by way of MA 1517/2023, *seeking institution of the proceedings under Section 340 of the Cr.P.C against the JCP*. The Tribunal has, by order dated 15 January 2026, dismissed the MA,



2026:DHC:5993-DB



against which the petitioner has now once again approached this Court.

19. Clearly, the petitioner has a trigger-happy litigant. Possibly, the expenses in litigation are so minimal that the petitioner does not find anything irregular in burdening the Court again and again on the same issue, that, too, for institution of criminal proceedings against a person who has nothing to do with the alleged act of perjury. Having failed in obtaining the relief he seeks upto the Supreme Court, the petitioner has now adopted a practice of personally targeting the respondent's officers with threatened criminal proceedings, possibly with a hope of obtaining some succour.

20. By his own acts, the petitioner has foreclosed any option, with us, to allow him to withdraw the present petition, as withdrawing of a petition does not appear, to the petitioner, to be any impediment in his reinstituting the very same proceedings once again.

21. We, therefore, are not in a position to extend, to the petitioner, the option of being permitted to withdraw the present petition.

22. The petitioner, as already noted, has given up his plea for initiation of criminal proceedings under Section 340 of the Cr.P.C. against Mr. Sudhir Singh, the IO, and has been targeting the JCP both in the earlier MA 3745/2022 as well as MA 1517/2023 in which the presently impugned order has been passed.



2026:DHC:5993-DB



23. According to the petitioner, though the JCP is not involved in the translation of the statement of the PW, by accepting the inquiry report of the IO and acting on its basis, the JCP rendered himself equally liable to be proceeded against under Section 340 of the Cr.P.C. If this reasoning is to be accepted it could result in the startling sequitur that the Tribunal, this Court, and perhaps even the Supreme Court, if they were to accept the decision of the DA, would all become liable under Section 340 of the Cr.P.C.

24. To say the least, the petitioner's stand is preposterous.

25. The Tribunal has, in the impugned order, rejected the petitioner's application. The Tribunal notes that Sudhir Singh, as the IO, was not leading any evidence before the Tribunal and could not, therefore, be mulcted under Section 340 of the Cr.P.C. read with Section 175 of the IPC. He was merely inquiring into the allegations against the petitioner, for an on behalf of the DA. Besides, notes the Tribunal, the IO was not even impleaded as a respondent in the MA.

26. The Tribunal has also noted, quite correctly, that the petitioner never raised the issue of erroneous translation of the statement of PW-1 either in his representation against the inquiry report before the DA or in his appeal before the appellate authority, or even in his OA before the Tribunal. It was only after he faced defeat before the Supreme Court that the petitioner decided to channelize the criminal process of law, having failed to obtain the reliefs that he seeks by way of civil proceedings.



2026:DHC:5993-DB



27. Initiation of criminal proceedings is a serious matter. It cannot be done on a whim. We find, far too often, litigants filing applications, in pending civil proceedings, including service matters, against the opposite party under Section 340 of the Cr PC. Unjustified attempts in this direction appear to us, in most cases, to be intended at pressurizing the opposite party, bereft of *bona fides*.

28. There is obviously nothing in the present petition. The Tribunal has, quite correctly, observed that even if there was an error in the translation of the statement of PW in the inquiry report, that could not fasten any liability on the IO, who was merely inquiring into the charges against the petitioner and not leading any evidence in any court of law. Besides, the petitioner, in any case, has now given up his prayer for proceeding against the IO under Section 340 of the Cr PC.

29. The petitioner now targets the DA. The DA has nothing to do with the aforementioned allegedly erroneous translation of the statement of PW-1. It cannot be that every authority in the adjudicatory ladder, who has accepted the report of the IO or acted on its basis, becomes complicit under Section 340 of the Cr.P.C.

30. It is impossible for us to believe that the petitioner, who was a police officer, is unaware of these fundamentals of the Cr.P.C. We say no more.

31. The manner in which the legal process – particularly the



2026:DHC:5993-DB



criminal process – has been abused by the petitioner deserves to be deprecated. The abuse is so flagrant that it is not possible for us to merely allow the matter to rest by dismissing this writ petition.

32. The order that we passed has necessarily to partake of some degree of deterrence, so as to ensure that the petitioner does not embark on any such further misadventure.

33. We are, therefore, constrained, in the present case, to not only to dismiss the writ petition, but also to award costs.

34. The petition is accordingly dismissed with a cost of ₹ 15,000/- to be paid by the petitioner to the Delhi High Court Legal Services Authority within a period of three weeks from today.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

JULY 21, 2026

AR/DSN