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

% *Date of Decision: 18th January, 2022*

+ W.P.(C) 1104/2022

SANSER PAL SINGH Petitioner
Through: Petitioner in person.

Versus

HONBLE DELHI COURT AND ORS. Respondents
Through: Mr. Anurag Ahluwalia, Central
Government Standing Counsel with Mr. Danish
Faraz Khan, Advocate for R-1/UOI.
Mrs. Avnish Ahlawat, Standing Counsel with
Mrs. Tania Ahlawat, Mr. Nitesh Kumar Singh,
Ms. Palak Rohmetra, Advocates for R-2&3.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

Proceedings have been conducted through video conferencing.

C.M.No.3179/2022 (exemptions)

Allowed, subject to all just exceptions.

The application is disposed of.

W.P.(C) No.1104/2022

1. Present writ petition, styled as Public Interest Litigation, has been preferred seeking the following reliefs:-



“In view of the facts and circumstances, it is therefore, respectfully prayed that this Hon'ble Court may please to:-

a) issue a writ, order or direction in the nature of mandamus to Respondent No.1 and 2 to issue direction to all the Metropolitan Magistrates (NI Act) of the courts subordinate to this Hon'ble Court to:

(1) follow the direction contained in practice direction dated 21.06.2021 passed by Hon'ble Registrar General of this Hon'ble Court and to treat service of summons in one complaint under Section 138 N.I. Act forming part of a transaction, as deemed service in respect of all complaints relating to dishonor of cheques issued as part of the same transaction;

(2) to execute summons/warrants on accused in another court in cheque dishonourment cases if both cases are In same transaction and summons / warrants are not executed on address of accused given in memo of parties;

b) Pass any other or further order as this Hon'ble Court may deem fit and just, in the facts and circumstances of the case, in the interest of justice.”

2. We have heard the Petitioner, who appears in person, as well as learned counsels appearing on behalf of the Respondents. From a perusal of the pleadings in the writ petition, it is evident that this is not a Public Interest Litigation but is a private and publicity interest litigation. It has been held by the Supreme Court in several judgments that while seeking relief in the nature of Public Interest Litigation, the Petitioner should have no personal or vested interest and should not be guided by any self-gain. For ready reference, we may refer to the judgment of the Supreme Court in **Dattaraj**



Nathuji Thaware v. State of Maharashtra and Ors., AIR 2005 SC 540,
relevant para of which is as follows:

“12. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity seeking is not lurking. It is to be used as an effective weapon in the armory of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity oriented or founded on personal vendetta. As indicated above, Court must be careful to see that a body of persons or member of public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique considerations. The Court must not allow its process to be abused for oblique considerations by masked phantoms who monitor at times from behind. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives, and try to bargain for a good deal as well to enrich themselves. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busy bodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs.”

3. Petitioner has averred in paragraph-7 of the writ petition that he has filed two complaint cases under Section 138 of Negotiable Instruments Act, 1881, the details whereof are also mentioned. It is further averred that the Petitioner has moved an application before the concerned Court to execute bailable warrants in accordance with the practice directions issued pursuant to the judgment of the Hon’ble Supreme Court in ***Suo Moto W.P.(Crl.)***



No.2/2020, however, the learned Trial Court has declined to entertain the application. Petitioner has also annexed copy of the application dated 08.12.2021 as well as the order passed thereon.

4. It is thus obvious, as rightly contended by learned counsels for the Respondents, that in the garb of so-called Public Interest Litigation, the Petitioner is seeking to in effect challenge the order passed by Learned MM with regard to execution of bailable warrants, in a matter relating to Section 138 of Negotiable Instruments Act, 1881. The vested interest of the Petitioner is, therefore, writ large and the petition deserves to be dismissed on this short ground.

5. It is relevant to take note of the serious objection taken on behalf of the Respondents that Petitioner, who is a practicing advocate, has filed several criminal complaints in the past, in most of which he is himself the complainant and after the summons are issued, he does not prosecute the complaints. It is submitted that in one such petition being W.P.(C) 464/2022, Respondents are in the process of filing a status report, highlighting the conduct of the Petitioner. Learned counsels for the Respondents also draw the attention of the Court to the Memo of Parties and submit that the Petitioner is adopting a wrong practice by impleading the learned Judge of the Court, whose order is challenged and this is nothing but a pressure tactics.

6. Insofar as W.P.(C) 464/2022 is concerned, as and when the said writ petition comes up for hearing, the objections raised by the Respondents will be considered and no orders are being passed with respect to the said petition in this writ petition. Insofar as the Memo of Parties is concerned, Respondent No.2 shall be treated as deleted from the array of parties.



7. In view of the aforesaid, we see no reason to entertain this writ petition and the same is accordingly dismissed.

CHIEF JUSTICE

JYOTI SINGH, J

JANUARY 18, 2022

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