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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 722/2023 & CRL.M.A. 7410/2025**
RAMESH CHANDERPetitioner

Through:

versus

**STATE OF NCT OF DELHI THROUGH DEPUTY
COMMISSIONER OF POLICE NORTH WEST**Respondent

Through: Ms. Rupali Bandhopadhyaya, ASC with
Mr. Abhijeet Kumar, Advocate.
Mr. Ankit Singh Sinsinwar, Mr.
Hemant Kr. Niranjana, Ms. Neha
Yadav and Mr. Ravi Kumar,
Advocates for Applicant.
Inspector Balram, P.S. Subhash Place.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
10.03.2025

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**CRL.M.A. 7409/2025 (for initiating criminal proceedings against the
Petitioner)**

1. The instant application under Section 340 of the Code of Criminal Procedure, 1973 ¹ has been moved by the Applicants, who are accused in FIR No. 246/2023. The Applicants seek initiation of perjury proceedings against the Petitioner, alleging fabrication of evidence and misrepresentation in the writ petition, which was disposed of by this Court on 11th January,

¹ "CrPC"



2024.

2. Briefly stated the facts of the case are as follows:

2.1. The Petitioner had earlier approached this Court, seeking protection of life and liberty for himself and his family members, after his representation dated 5th March, 2023, to the concerned authorities remained unaddressed. Consequently, the Petitioner filed the writ petition, praying for the following reliefs:

“Direct the Respondent/ Deputy Commissioner of Police to perform their statutory duty forthwith by deciding the Representation dated 05.03.2022, preferred by the present Petitioner before the Respondent, and as a consequence thereof Protect the Life And Liberty Of The Petitioner & Initiate Action As Per Law Under Appropriate Provisions Of Law And/or;”

2.2. This Court on 15th March, 2023, took note of the background facts and issued necessary directions for ensuring the safety and security of the Petitioner and his family:

“ By way of the present writ petition under Article 226 of the Constitution read with section 482 of the Code of Criminal Procedure 1973, the petitioner seeks a direction to the respondent (Deputy Commissioner of Police, North-West, Delhi) to add appropriate provisions of law in the two FIRs registered in the matter, in relation to the incident of assault on the petitioner and his siblings, including provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (‘SC/ST Act’).

2. *The petitioner is present in-person. So is his brother.*

3. *Mr. Rohit Shukla, learned counsel appearing for the petitioner submits, that the genesis of the matter is a dispute over parking, which escalated to a point where the accused persons inflicted upon the petitioner, his brother and sister, injuries with a cricket bat and an iron knuckle, which constitute the offence inter-alia under section 307 of the Indian Penal Code, 1860 (‘IPC’).*

4. *Counsel submits, that upon making PCR calls, the petitioner*



alongwith his family members were taken to the Bhagwan Mahavir Hospital, Delhi, where requisite treatment was given to them. It is submitted, that as reflected in the photographs annexed alongwith the petition, the extent and seriousness of the injuries suffered by the three of them was alarming.

5. *It is also pointed-out that since offences happened under two separate jurisdictional police stations viz. P.S.: Mangolpuri and P.S.: Subhash Place, two separate FIRs came to be filed.*

6. *The grievance however, is that the two FIRs have been registered under relatively innocuous provisions of the IPC and completely omitting the offences committed under the SC/ST Act.*

7. *Counsel submits, that in this behalf a written complaint/representation dated 05.03.2023 (inadvertently written as "3/5/23") was made to the respondent; but to no avail. Counsel submits that the details of the offences alleged have been set-out in the complaint.*

8. *Issue notice.*

9. *Ms. R. Bandhopadya, learned ASC appears on behalf of the State on advance copy; accepts notice; and seeks time to file status report.*

10. *Ms. Bandhopadya submits, on instructions of the Investigating Officers from both police stations, that the offence under section 308 IPC has already been added.*

11. *Upon being queried, learned ASC submits that further medical opinion as to the nature of the injuries is awaited; and upon receipt thereof, other offences as may be made-out will also be added and duly investigated against the concerned accused.*

12. *Let status report be filed within 04 weeks; with copy to the opposing counsel.*

13. *Counsel for the petitioner further submits, that since the accused persons are the petitioner's neighbours, the petitioner has been receiving threats at their hands.*

14. *In view thereof, the SHO, P.S.: Subhash Place is directed to furnish to the petitioner his cell-phone number, as also the number of the Beat Constable of the area, who the petitioner and his family may call in any eventuality.*



15. *The SHO is also directed to ensure the physical safety and security of the petitioner and his family.*

16. *Re-notify on 11th May 2023.*”

2.3. Subsequently on 7th July, 2023, on the basis of the submissions advanced by ASC (Crl.) GNCTD, the Court passed the following directions:

- “1. *Ms. Bandhopadhyia, learned ASC (Crl.) GNCTD submits that the status report is already on record.*
2. *As per the observations in the status report as also on the instructions from the IO who is present in person, it appears that the prosecution has concluded that the injuries are grievous in nature and the relevant section relating to the injuries would be arrayed in the FIR.*
3. *That apart Ms. Bandhopadhyia, learned ASC (Crl.) GNCTD submits that since the ingredients of provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short ‘SC/ST Act’) appears to be made out and needs investigation into the respondent needs to nominate and appoint an officer of the rank of Assistant Commissioner of Police in accordance with the Rule 7 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.*
4. *Learned counsel appearing for the petitioner submits that despite the status report having been filed on 09.05.2023, ACP has not been nominated. Ms. Bandhopadhyia, learned ASC (Crl.) GNCTD assures this Court that the same shall be done within one week from today.*
5. *The intimation in respect of the appointment of the ACP shall be filed before this Court not later than two days within this week as and when the said appointment is completed.*
6. *The protection granted to the petitioner on 15.03.2023 shall continue till further orders.*
7. *Learned counsel also submits that one of the accused persons is a practising advocate. The petitioner apprehends harms to their person and property in case, they seek to approach the appropriate Courts of law for taking appropriate remedies in relation with the present FIR.*
8. *The petitioner may inform the concerned IO before taking any such steps. The IO shall endeavour to provide the protection to the petitioner till such time when the petitioners are in court premises.*
9. *List on the date already fixed i.e.01.09.2023.*”

2.4. Later, on 11th January, 2024, the Court was informed that the chargesheet in the case had been filed. In view of this development, the writ petition was disposed of, as the reliefs sought by the Petitioner had been



effectively addressed.

3. Counsel for the Applicants asserts that this application is filed to expose a criminal conspiracy between the Petitioner and their advocate, aiming to implicate the Applicants under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as well as various provisions of the Indian Penal Code, 1860. The Applicants allege misconduct on part of the Petitioner's counsel, including forgery of signatures, filing false representations and documents, coaching witnesses, fabricating evidence, influencing the investigation, and misleading the Court. Further, the Applicants allege that the writ petition does not bear any signature of the Petitioner and instead his counsel had affixed a cropped picture of the signature of the Petitioner which is visible from the naked eye.

4. This Court has considered the contentions of the Applicants but finds no ground to invoke Section 340 CrPC. The power under Section 340 CrPC is not to be exercised in a routine or mechanical manner but only in cases where there is a deliberate and conscious attempt to mislead the Court by fabricating evidence or making false statements, materially affecting the outcome of judicial proceedings.

5. There is no dispute regarding the identity of the Petitioner in the writ petition. The Applicants' claim that the Petitioner's signature was forged or digitally affixed is of no consequence, as there is no allegation that someone else impersonated the Petitioner or that relief was obtained by a person not entitled to it. The directions issued by this Court on 7th July, 2023 were limited to ensuring protection for the Petitioner and his family and directing appropriate action under the SC/ST Act, where required. The writ petition was ultimately disposed of upon the filing of the chargesheet, which meant



that the relief sought was naturally rendered infructuous. The Court merely closed the proceedings, without recording any final determination on the merits of the allegations.

6. The Court did not make any adverse observations against the Applicants, nor did it hold that they were guilty of the offences alleged. Instead, it only ensured that due process under the law was followed. If the Applicants have any grievance regarding the veracity of the claims made in the writ petition, their remedy lies in availing appropriate legal recourse before the competent forum in accordance with law. However, none of the grounds meet the threshold required for initiating proceedings under Section 340 CrPC by directing a registration of the FIR against the Petitioner.

7. The application is devoid of merit. Dismissed along with pending application.

SANJEEV NARULA, J

MARCH 10, 2025

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