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

+ **W.P.(CRL) 2068/2024**

**IQBAL SINGH**

.....Petitioner

Through: Ms. Preeti Singh Advocate Mr  
SunklanPorwal. Ms. Shefali Menezes  
Mr. Yash Singhal, Advocates.

versus

**GULSHEEN KAUR**

.....Respondent

Through:

**CORAM:**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**

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**11.07.2024**

**CRL.MA. 20041/2024 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**W.P.(CRL) 2068/2024**

1. This petition has been filed for setting aside the impugned order dated 20<sup>th</sup> March, 2024, passed by Ld. MM West District, Tis Hazari Courts, Delhi in Ct Cast No. 126/2024.
2. The gist of the allegation of the petitioner is that the accused had filed a false and frivolous complaint under Sections 498A/406/377/354/34 IPC, after a period of 14 years of alleged offence in which the petitioner was finally discharged.



3. Petitioner alleges that allegations made by the accused wife in the said complaint, that there was a serious and defamatory in nature, this complaint under Section 499 read with 500 was filed.

4. The impugned order assesses this issue and the judgment in this regard rightly reaches a conclusion that the primary ingredient of what is alleged is under Section 211 IPC and, therefore, hit by bar under Section 195 (1) (b) (i) of Cr.PC., in that, the cognizance of such an offence in, or in relation to, any proceedings in any Court can only be made in complaint in writing of such Court or of a Court to which is subordinate.

5. Counsel for petitioner contends that the impugned order is infirm, considering the alleged offence under Section 499 read with Section 500 is independent in its own right and, therefore, cannot be considered as an offence under Section 211 IPC.

6. This is Court is of the opinion that this argument is unmerited, considering that the complaint under Section 499 read with Section 500 cannot be simpliciter based on the complaints registered in the Court under IPC and trigger a defamation when they are dismissed or the accused is discharged.

7. Accordingly, this Court does not find any infirmity in the impugned order, the petitioner is accordingly dismissed. Pending applications (if any) are disposed of as infructuous.

8. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**JULY 11, 2024/RK**