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

Date of decision: 04.01.2024

+ **CRL.M.C. 47/2024**

MANOHAR SINGH

..... Petitioner

Through: Mr.Om Prakash Gupta, Adv.
with petitioner in person

versus

PRADEEP MEHTA & ANR.

..... Respondents

Through: Mr.Rajesh Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the order dated 17.12.2019 passed by the learned Metropolitan Magistrate-01, South East District, Saket Courts, New Delhi, dismissing the complaint filed by the petitioner herein under Section 200 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C'), being CT Case No.616232/2016, titled *Manohar Singh vs. Pradeep Mehta Dy. General Manager (Vigilance)*; and the order dated 25.02.2023 passed by the learned Additional Sessions Judge-08, South East District, Saket Courts, New Delhi, dismissing the Revision Petition, being Crl. Rev. P. No. 201/2020, titled *Manohar Singh vs. Pradeep Mehta*, filed by the petitioner in challenge to the above order.

2. Briefly stated, the petitioner herein had filed the above



complaint under Section 200 of the Cr.P.C, alleging therein that he, as ex-employee of the NTPC, had retired from the service on 31.08.2003 after superannuating from the post of the Deputy Manager (Safety). During his service tenure, he had filed certain service grievances on account of the NTPC depriving him of certain service benefits, which he was legally entitled to. The petitioner further alleges that while in service, he had submitted numerous representations to various authorities. Mr. G.S. Sodhi, the then Deputy Manager (Vigilance) also found merit in the claim of the petitioner and forwarded a report/note dated 02.12.1996 to the AGM (I/C), Kawas, GPP for implementation. As no action was taken on the same, the petitioner thereafter filed various applications under the Right to Information Act, 2005. The same culminated in an order dated 03.01.2007 passed by the CIC on an appeal filed by the petitioner, directing the CPIO and AA of the NTPC to arrange a hearing between the CVO of NTPC and the petitioner herein, so that whatever information is available can be supplied to the petitioner except in cases falling under the exempted category. The petitioner claims that in the inspection, no mention was made with respect to the ATR, forcing the petitioner to file a complaint before the CIC, on 23.03.2007. As cognizance of the same was not taken by the CIC, the petitioner filed a writ petition before this Court, being W.P.(C) 6832/2007, titled **Manohar Singh v. CIC and Anr.**, which was disposed of by this Court vide order dated 18.03.2009, with directions to the CIC to inquire into the complaint of the petitioner and pass an appropriate order thereon. Simultaneously, however, the petitioner claiming that the respondents had intentionally



supplied false information and prepared a false affidavit dated 03.05.2007 filed before CIC, lodged a complaint at Police Station: Lodhi Colony, New Delhi on 28.08.2008, requesting the SHO to investigate in the matter and take appropriate action against the accused for having committed offence under Sections 191, 192, 193 and 218 of the Indian Penal Code, 1860 (in short, 'IPC'). The petitioner also filed a complaint with the Commissioner of Police, on 11.09.2008. The petitioner also filed an application under the Right to Information Act, on 05.11.2008.

3. The petitioner had examined five witnesses at the pre summoning stage.

4. The learned Metropolitan Magistrate, on considering the said evidence, vide Impugned Order dated 17.12.2019, however, found no sufficient grounds to proceed against the respondents, and accordingly dismissed the complaint filed by the petitioner.

5. Aggrieved of the above, the petitioner challenged the same before the Court of learned Additional Sessions Judge in the form of a Revision Petition, being Crl.Rev.P. No. 201/2020, which was dismissed by the learned Additional Sessions Judge vide the Impugned Order dated 25.02.2023, holding that there was no sufficient ground for proceeding against the respondents.

6. The learned counsel for the petitioner submits that CW5-Mr.G.S. Sodhi had proved on record the "Inter Office Memo" dated 19.12.1996 (Ex.CW1/1), which shows that there was an Action Taken Report on the complaint filed by the petitioner. He submits that the Action Taken Report was concealed and not disclosed by the



respondents in response to the application filed under the RTI Act and instead, the respondents filed a false affidavit thereby making them liable to be prosecuted for the offences under Sections 191, 192, 193 and 218 of the IPC. He submits that later, by a letter dated 21.03.2007, the respondents again falsely alleged that there was no entry of any letter received in the CVO between the period of 08.08.2003 to 05.09.2003 relating to the petitioner. He submits that the learned Metropolitan Magistrate, in spite of the evidence of CW5-Mr.G.S. Sodhi and the Inter Office Memo dated 19.12.1996, wrongly held that there was no ground to proceed against the respondents and dismissed the complaint.

7. As far as the Impugned Order passed by the learned Additional Sessions Judge is concerned, the learned counsel for the petitioner submits that the learned Additional Sessions Judge has erred in holding that the petitioner had been unable to show how the letter dated 21.03.2007 of the respondents was false, and thereby dismissed the revision petition.

8. On the other hand, the learned counsel for the respondents, who appears on an advance notice, submits that the petitioner is guilty of not only concealment of facts but also for abusing the process of law. He submits that as far as the grievances of the petitioner with respect to his service entitlements are concerned, the petitioner had filed a writ petition before this Court, which has been dismissed right up till the Supreme Court. He further submits that even the CIC found no merit in the complaint filed by the petitioner regarding non-disclosure of information and/or the allegations of filing of false affidavit by the



respondents. He submits that they are being unduly harassed by the petitioner and therefore, present petition be dismissed with exemplary costs.

9. I have considered the submissions made by the learned counsels for the parties.

10. From the above narration of the facts, what would be evident is that the dispute raised by the petitioner primarily related to his service condition and service benefits. The learned counsel for the petitioner does not deny that the petitioner had raised the said grievance in the form of a Writ Petition before this Court, which came to be dismissed right up till the Supreme Court. The basic grievance of the petitioner has therefore, been decided and no merit has been found therein. It is not shown if the petitioner had, in the said Writ Petition, made any grievance with respect to the alleged Action Taken Report, that the petitioner alleges to have been concealed from him, or the other correspondence in relation to which he submits that the Receipt Register has been tampered. If any such grievance was raised, the outcome of the same in those proceedings has also not been disclosed by the petitioner. In any event, these complaints were considered by the CIC in the order dated 23.07.2009, which was passed pursuant to the direction of this Court vide order dated 18.03.2009 passed in W.P.(C) 6862/2007, and no merit in the same was found by the CIC. It is not shown by the petitioner if the said order was challenged by the petitioner and, if so, the outcome thereof. Clearly, the petitioner is abusing the process of the Court by moving from one forum to another raising a similar grievance. Such misuse of the criminal procedure



cannot be countenanced.

11. Even otherwise, the learned Metropolitan Magistrate and the learned Additional Sessions Judge have considered the material on record and found no merit in the complaint filed by the petitioner and no ground to proceed thereon against the respondents. I find no infirmity in the said orders.

12. Furthermore, the statutory bar, as contained in Section 397(3) of the Cr.P.C, on the maintainability of the second Revision Petition, cannot be circumvented by the petitioner by invoking jurisdiction of this Court under Section 482 of the Cr.P.C.. Reference in this regard may be made to the judgment of the Supreme Court in ***Rajan Kumar Manchanda v. State of Karnataka***, 1990 Supp. SCC 132.

13. In view of the above, the petition is dismissed.

14. In normal circumstances, the present petition should have been dismissed with exemplary costs as the same has been filed with the intent to harass the respondents and is an abuse of process of the law, however, I restrain myself from imposing any costs on the petitioner, taking in view the age of the petitioner and the fact that the petition is being dismissed at a preliminary stage. Accordingly, there shall be no order as to costs.

NAVIN CHAWLA, J

JANUARY 4, 2024/Arya/am

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