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

+ **W.P.(CRL) 735/2025**

ABHISHEK KUMAR

.....Petitioner

Through: Petitioner in person.

versus

NEHA LAL AND ANR

.....Respondents

Through: Mr. Arjun Prakash, Adv.
through V.C.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **14.08.2025**

1. The present petition is filed challenging the order dated 24.12.2024 (hereafter '**the impugned order**'), passed by the learned Revisional Court in Crl. (R) No. 125/2023.

2. By the impugned order, the learned Revisional Court upheld the order dated 03.05.2023, in Ct Case 1437/2016, whereby the learned Trial Court had dismissed the said complaint by observing that no ground was made out to summon the respondents.

3. The brief facts of the case are as follows:

3.1. The petitioner had filed a complaint for initiating appropriate action against the respondents for the offences under Sections 191/ 193/ 194/ 195/ 196/ 197/ 199/ 200/ 201/ 203/ 211/ 471/ 503/ 120B/ 34 of the Indian Penal Code, 1860 ('**IPC**'). It is the case of the petitioner that he had married Respondent No.1 on 28.01.2012. After the marriage, the parties lived alone for only 10 days, whereafter, the petitioner's in-laws resided with them. On 25.02.2012, the petitioner found out that Respondent No.1 was pregnant, and while the petitioner's relatives were happy

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with the news, the mother of Respondent No.1 was opposed to the continuation of the pregnancy and impressed upon the petitioner that Respondent No.1 will not give birth to his baby. It is alleged that the petitioner reached out to the elder sister of Respondent No.1 in this regard to no avail. Allegedly, Respondent No.1's mother started pressuring the petitioner to transfer his property in the name of Respondent No.1. On 15.03.2012, the petitioner went to Allahabad on an official tour and immediately after returning, he left for Chandigarh on 27.03.2012 for official work. On the pretext of visiting their native village, Respondent No.1 along with her parents left the house on 02.04.2012 after informing the petitioner about the same on call. It is alleged that when the petitioner asked Respondent No.1 about their baby, she informed him on call that she had aborted the baby, despite the petitioner being totally opposed to the same. Allegedly, while leaving the petitioner's house, Respondent No.1 took gold and silver jewellery, official documents and some amount in cash as well.

3.2. It is alleged that Respondent No.1 made various false and fabricated complaints against the petitioner in relation to demand of dowry and forceful abortion. First complaint was made to the ACP, CAW Cell on 11.03.2012 alleging that the petitioner had taken Respondent No.1 to Shastri Park where his elder sister had given her something to drink, which caused the pregnancy to terminate. On 28.09.2012, Respondent No.1 tendered another complaint alleging that the petitioner and his family members had given her some medication at Shastri Park, Delhi, which caused the pregnancy to get terminated on 11.03.2012. The



police submitted a report in relation to the said complaint finding that the mobile location of Respondent No.1 was not found in Shastri Park on the concerned date. Thereafter, the Respondent No.1 filed a complaint under Section 156 (3) of the Code of Criminal Procedure, 1973 ('CrPC') enclosing a medical prescription of forceful abortion, prepared in Mumbai, which was made 31 days of the alleged abortion. The said prescription was prepared by Respondent No.2. During investigation in Mumbai, it was found that Respondent No.2 was not maintaining any patient register as he was giving treatment from his residence. It was found that the visitor register on the relevant dates did not disclose any entry in the name of Respondent No.1, and Respondent No.1 was in NCR on the concerned dates.

3.3. The crux of the case of the petitioner is that Respondent No.1 had not gone to Mumbai and used fake and fabricated medical evidence to implicate the petitioner and his parents in a false case. Moreover, the MMC registration of Respondent No.2 was found to be invalid and he was not legally entitled to issue such medical prescription. Allegedly, both the respondents were in touch with each other prior to the marriage between Respondent No.1 and the petitioner, and Respondent No.2 had issued the certificate without any physical examination of Respondent No.1.

3.4. In pre-summoning evidence, the petitioner was examined as CW-1 and he reiterated the allegations in relation to the issuance of the fake medical certificate for falsely implicating the petitioner and his family members.

3.5. By order dated 03.05.2023, the learned Trial Court found



that apart from the offence under Section 211 of the IPC, none of the other alleged offences were made out from the case of the complainant/ petitioner. It was observed that the petitioner ought to have filed an application under Section 340 of the CrPC in the earlier proceedings and no cognizance could be taken as the petitioner had been acquitted in the FIR No. 361/2012 preferred by Respondent No.1 for offences under Sections 498A/406 of the IPC, registered at Police Station Pandav Nagar. Perusing the medical document in question, it was noted that the same only prescribed medication for forceful abortion, which was stated by Respondent No.1. It was found that no case of forgery of the said document was made out as it is not the case of the petitioner that the same was falsely created, but rather that Respondent No.2 made the document without examining Respondent No.1. It was further noted that it has not been found that the document was forged, and the acquittal of the petitioner was premised on absence of cogent evidence.

3.6. The aforesaid order was upheld by the learned Revisional Court by the impugned order.

3.7. Aggrieved by the same, the petitioner has preferred the present petition.

4. The petitioner appears in person and submits that the learned Trial Court and the learned Revisional Court failed to appreciate that the medical prescription was forged by the respondents.

5. He submits that the learned lower Courts have also failed to appreciate that the medical prescription had been forged prior to its production before the learned Trial Court, hence, the bar



under Section 195 of the CrPC will not be attracted in the present case.

6. *Per contra*, the learned counsel for Respondent No. 1 vehemently opposes the arguments as raised by the petitioner and consequently prays that the present petition be dismissed.

7. I have heard the parties and perused the record.

8. At the outset, it is relevant to note that by the present petition, the petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India as well as the inherent jurisdiction under Section 528 of the BNSS.

9. Undisputably, the petitioner had previously filed another case, bearing, Crl.M.C. No. 562/2025, challenging the impugned order before this Court. The said petition was dismissed as withdrawn by order dated 12.02.2025 by a Coordinate Bench of this Court, with liberty to take appropriate legal remedies as are available in law. No explanation is furnished by the petitioner as to why he has preferred the present petition after withdrawing the previous matter. Although the petitioner had been granted liberty to take appropriate steps in law, however, the same does not entitle the petitioner to again approach this Court by filing a fresh petition seeking the very same reliefs by masking the nomenclature as that of a writ.

10. Even otherwise, the learned Revisional Court has already exercised its jurisdiction. It is settled law that that a second revision cannot be filed in terms of the bar under Section 438(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') [erstwhile Section 397(3) of the CrPC].

11. The Hon'ble Apex Court in the case of **Jagir Singh v.**



Ranbir Singh : (1979) 1 SCC 560 had noted that the writ jurisdiction of this Court cannot be misused to circumvent the bar against institution of a second revision petition unless exceptional circumstances exist which warrant interference. The relevant portion of the said judgment is as under:

“6. If the revision application to the High Court could not be maintained under the provisions of the Criminal Procedure Code, could the order of the High Court be sustained under Article 227 of the Constitution, as now suggested by the respondent?...In the second place the power of judicial superintendence under Article 227 could only be exercised sparingly, to keep subordinate courts and Tribunals within the bounds of their authority and not to correct mere errors. Where the statute banned the exercise of revisional powers by the High Court, it would indeed require very exceptional circumstances to warrant interference under Article 227 of the Constitution since the power of superintendence was not meant to circumvent statutory law...”

12. Similarly, in the case of **Krishnan v. Krishnaveni : (1997) 4 SCC 241**, the Hon’ble Apex Court has noted that the inherent powers of this Court ought to be exercised sparingly and cautiously when the Sessions Court has simultaneously exercised revisional jurisdiction, and such powers ought to be exercised only when the Court notices there has been a failure of justice or abuse of process of law.

13. Insofar as the merits are concerned, in the present case, it is the contention of the petitioner that the respondents tried to implicate him by instituting false and frivolous cases against him and that Respondent No.1 had bought a false medical document of forceful examination which was issued by Respondent No.2 without examining her. The record indicates that the FIR No. 361/2012 preferred by Respondent No.1 for offences under Sections 498A/406 of the IPC, as well as the complaint under



Section 156(3) of the CrPC were tagged together and a combined trial was conducted. The said document was also exhibited in the DV Act proceedings, which were subsequently dismissed.

14. The learned Trial Court and the learned Revisional Court have rightly appreciated that apart from the offence under Section 211 of the IPC, no other offence as alleged by the petitioner were made out against the respondents. As noted by the learned Revisional Court, the petitioner had not assailed the said observation in revisional proceedings. It was further noted that cognizance for an offence under Section 211 of the IPC cannot be taken in view of the bar as prescribed under Section 195 of the CrPC. It was also noted that the respondent already stands acquitted in the FIR No. 361/2012, registered at Police Station Pandav Nagar, and as such proceedings had culminated, the bar in Section 195 of the CrPC would be attracted.

15. It is clear from a perusal of Section 195 (b)(i) of the CrPC that no Court can take cognizance of any offence under Section 211 of the IPC when such offence is alleged to have been committed or in relation to any proceedings in any Court except on a complaint in writing of that Court or by such officer of that Court as that Court may authorize in writing on its behalf or of some other Court to which that Court is subordinate. Admittedly, no such complaint as required under Section 195 of the CrPC was made by the concerned Courts, and furthermore, the petitioner made no application under Section 340 of the CrPC for initiation of inquiry. It is pertinent to note that a complaint is to be made by the Court in relation to offences mentioned in Section 195 of the CrPC, including offence under Section 211 of



the CrPC, only if it considers it expedient in the interest of justice to do so. It is not open to the litigant to overcome the same and usurp the discretion vested in the Court by instituting a private complaint.

16. The Hon'ble Apex Court in ***M.S. Ahlawat v. State of Haryana and Anr : (2000) 1 SCC 278***, while interpreting the scope of Section 195 of the CrPC, had categorically held that private complaints are absolutely barred. Prosecution

17. Therefore, in the opinion of this Court, it has been rightly held that no cognizance could have been taken by the learned Trial Court.

18. As far as the offences under Sections 468/471 of the IPC are concerned, it is pertinent to note that the petitioner has stressed that the said document is false as Respondent No.2 never physically examined Respondent No.1. The learned Revisional Court has extensively discussed the said aspect and rightly found that there is no observation by the learned Trial Court, while acquitting the petitioner in FIR No. 361/2012 and dismissed Respondent No.1's complaint under Section 156(3) of the CrPC, that the said document is forged or fabricated. Merely because the prescription was prepared without physical examination on the basis of Respondent No.1's assertion, the same does not indicate that the document was forged. In the opinion of this Court, just because the petitioner had been acquitted in the aforesaid proceedings, it cannot be said that the medical prescription had been forged by the respondents.

19. Therefore, in view of the aforesaid discussion, the petitioner has failed to establish any exceptional circumstances or



show such infirmity in the impugned orders, to warrant interference in the same.

20. The present petition is therefore dismissed.

AMIT MAHAJAN, J

AUGUST 14, 2025