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

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Date of decision: 27th February, 2025

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CRL.M.C. 832/2021

MOHAN LAL

S/o Sh. Sher Singh

.....Petitioner

Through: Petitioner in person.

versus

1. SANDEEP AGGARWAL

S/o Sh. Bal Kishan Aggarwal

.....Respondent No.1

2. STATE N.C.T. OF DELHI

Through Chief Secretary, G.N.C.T.D.

5th Level, Delhi Secretariat, Delhi-110002Respondent No.2Through: Mr. Nawal Kishore Jha, Ld. APP for
the State with SI Sanjeeta P.S.
Mukherjee Nagar.Mr. Pankaj Kumar Ranjan, Advocate
for private Respondent.**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)**

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*) read with Article 227 of the Constitution of India, has been filed on behalf of the Petitioner, Mr. Mohan Lal, to challenge the Order dated 18.01.2021 in CRL. Revision No. 279/2019, passed by the learned ASJ, North, Delhi, upholding the Order dated 13.11.2019 in Complaint Case No.



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2337/2017 of the learned Metropolitan Magistrate, North Delhi dismissing the Complaint under Section 200 Cr.P.C. for the offences under Sections 182/211/34 *Indian Penal Code, 1860* ('IPC' *hereinafter*).

2. The facts as narrated in the Petition are that Mr. Sandeep Aggarwal, elder son of the Respondent No. 2, got married to Ms. Priyanka Aggarwal, daughter of the Petitioner. While they were staying together in the matrimonial home, Mr. Sandeep Aggarwal, her husband got prepared some medical O.P.D. Cards of Ms. Priyanka Aggarwal. On the night of 17.02.2006, Mr. Sandeep Aggarwal in the presence of his parents, brothers and many other persons, who were gathered by them at the residence, pressurised Ms. Priyanka Aggarwal, to come back to her parental home with a promise that they would bring her back after ten days. However, the daughter was never taken back to the matrimonial home.

3. On 22.02.2006, the Respondent No. 1 made a false Complaint on 08.05.2006 and 20.07.2006 at Police Station Model Town about causing injury and annoyance to him.

4. On 24.08.2006, the Respondent No. 1 instituted a false Complaint Case bearing CC No. 4995/2006 under Section 200 of CrPC against the Petitioner for invoking Sections 415/420/506/120-B/34 of the IPC and also filed an Application under Section 156(3) of CrPC in the Court of learned CMM, Delhi.

5. In the course of the proceedings, learned Metropolitan



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Magistrate summoned the Petitioner and his wife for offences under Section 417/34 of the IPC, but they were discharged *vide* Order dated 24.11.2014.

6. The Revision Petition, to challenge this Order dated 24.11.2014 was allowed by the learned ASJ and the Order of the learned Metropolitan Magistrate was set-aside. Against this Order of learned ASJ, CRL.M.C. No. 4176/2015 was preferred by the Petitioner and his wife, in this Court. The curtain was finally drawn by this Court *vide* its Order dated 31.07.2018, and the Complaint was dismissed.

7. On 05.05.2017, the Petitioner filed a Complaint Case under Section 200 of Cr.P.C. for invoking Sections 182 and 211 of the IPC against the Respondent No. 1. Pre-summoning evidence of the Petitioner, was recorded by the learned Metropolitan Magistrate and 16 documents were exhibited. On 13.11.2019, the learned Metropolitan Magistrate dismissed the Petitioner's Complaint Case No. 2337/2017 on the grounds that there was a bar of under Section 195(1) of Cr.P.C. and that discharge of a person in criminal proceeding, cannot be taken to infer that the proceedings were intended to cause injury to that person knowing that there was no just or lawful ground.

8. The Revision Petition was preferred by the Petitioner, before the learned ASJ, who dismissed the Revision Petition upholding the reasoning of there being a bar under Section 195 (1) of Cr.P.C. against taking cognizance of the offence under Section 182 and 211 of IPC.

9. This Order dated 18.01.2021 has been assailed by the Petitioner



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on the grounds that the impugned Order is incorrect and improper as it has resulted in miscarriage of justice and failure to secure ends of justice. The learned Sessions Judge has not correctly appreciated Section 195 (1)(b)(i) of CrPC as the same was not applicable since at the time of institution of false case, there was no proceedings pending in the Court.

10. The judgments of M.L. Sethi vs. R.P. Kapur & Anr., 1967 AIR 528; Central Bureau of Investigation vs. M. Sivamani, Crl. A. Nos. 1261-1262/2017 dated 01.08.2017 and Lalji Hardidas vs. State of Maharashtra, SC 1964, have not been appreciated correctly. Learned ASJ has wrongly observed that the falsity of facts and non-consideration of some of the documents by the learned Metropolitan Magistrate, was the opinion of the Petitioner. Even though the record shows that the claim of falsity was a fact evident on record.

11. It is, therefore, submitted that the impugned Order dated 18.01.2021 of learned ASJ along with the Order dated 13.11.2019 of the learned Metropolitan Magistrate, be set aside.

12. **Submissions heard and the record perused.**

13. In order to appreciate the contentions made by the Petitioner in the present Petition, it would be pertinent to refer the contents of the Complaint under Section 200 Cr.P.C. filed by the Petitioner for taking cognizance against the Respondent No.1, Sandeep Aggarwal and his accomplices, under Section 182, 211 and 34 IPC.

14. It is submitted that due to matrimonial disputes, his daughter



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Ms. Priyanka, who was married to Respondent No.1 Sandeep Aggarwal, was surreptitiously sent to the house of the Complainant on a promise that he would take her back after 10 days, but he failed to keep his promise. The Petition for Restitution of Conjugal Rights was filed in December, 2006 by Priyanka Aggarwal.

15. The Complainant filed the Complaint case under Section 200 Cr.P.C. against the respondent No.1 for offences under Section 182/Section 211 IPC, on the assertions that the Respondent had filed a earlier Complaint Case for offences under Sections 415/420/506/120B/34 IPC, by giving false information to the public servant and the Court, to use his lawful power to injure the Complainant and charged him with the false offences without there being any just or lawful ground for any proceedings and did so intentionally to injure the Complainant. The Complaint under Section 200 Cr.P.C., has been dismissed by Ld. MM and the Order has been upheld by the Ld. ASJ.

16. Section 182 IPC provides for punishment for the offence of giving false information with intent to cause public servant to use his lawful power to the injury of another person.

17. The only allegation made in the Complaint is that the Complaint No. 4995/2006 under Section 200 Cr.P.C filed by the Respondent was false and was intended to cause injury to the Complainant. However, there were specific averments made in the Complaint by Respondent No.1 wherein he had made allegations of the



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offences having been committed by the Complainant. Whatever may have been the fate of the Complaint, there is nothing to show that the averments made in the Complaint filed before the learned M.M by Respondent No.1, were patently false or that they were intended to cause injury to the Complainant. Whether any offence was made out against the Complainant, on the basis of the averments made in the Complaint, it was a matter to be determined by the Trial Court before whom the Complaint was filed. Mere filing of the Complaint on certain assertions claiming that an offence has been committed, cannot be interpreted as giving false information to the Court or that it was filed with the intent to cause injury to the Complainant.

18. The ingredients of Section 182 IPC were, therefore, not made out even *prima facie* from the averments contained in the Complaint.

19. Likewise, Section 211 IPC provides that wherever any person institutes any criminal proceedings against the person knowing that there was no just or lawful ground for such proceeding, would be punishable under Section 211 IPC for making false charge of offence with the intent to injure.

20. As already discussed above, merely because the Respondent No.1 had filed a Complaint under Section 200 Cr.P.C for certain offences against the Complainant, cannot lead to any inference that the charges that were made were false or with the intent to cause injury.

21. Pertinently, the Court may or may not find merit, but from that itself it cannot be held that the charges/ averments made in the



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Complaint were false. Furthermore, the very fact that the fate of the Complaint had a chequered history in so much as while the learned M.M had discharged the Petitioner after summoning him in the Complaint case, the said Order got set aside in Revision by the learned ASJ and is thereafter, pending consideration before this Court, reflects that it is not a case of false averments but whether on the averments made, any offence was made out.

22. It cannot, therefore, be said that any offence under Section 182 or 211 was prima facie made out to have been committed by Respondent No.1. Therefore, the Order dismissing the Complaint is upheld, though for the reasons stated above.

23. There is no merit in the present Petition, which is hereby dismissed.

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 27, 2025
RS/rk