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

+ CRL.M.C. 6270/2018

ASHISH SINGH

.....Petitioner

Through: Petitioner in person.

versus

SMT. PUSHPA SINGH & ORS.

.....Respondents

Through: Mr. Yudhvair Singh Chauhan, Ld.

APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **02.04.2025**

CRL.M.A. 9903/2025 (Seeking Exemption)

1. Allowed, subject to just exceptions.

2. The Application stands disposed of.

CRL.M.A. 9902/2025 (under Section 482 Cr.P.C read with Section 528 BNSS, 379 BNSS, 231 BNS and 227 BNS read with Section 340 Cr.P.C read with Section 195(i)(b) and (ii) of Cr.P.C on behalf of the Petitioner to take action for Concealment of True Facts in False and Frivolous Short Reply)

3. An Application has been filed on behalf of the Petitioner for taking action for filing a false and frivolous short Reply dated 18.02.2020 by the Respondents for cheating and playing fraud upon this Court and also before the learned Trial Court, in terms of judgment of the Apex Court in Criminal Appeal No.211 of 2019 in Narendra Kumar Srivastva vs. The State of Bihar and Ors. and in Ramjas Foundation vs. Union of India.

4. It is submitted in the Application that on 18.02.2025 the Respondents



did not approach the Court with clean hands and filed a short Reply with false and frivolous supporting Affidavit in the Appeal Crl. M.A.No.6270/2018 which was full of concealment and tried to cheat the Court and in successfully obtaining a false Order in their favour.

5. The Supreme Court in Krishna Bhattacharjee vs. Sarathi Choudhary (2016) 2 SCC 705, observed that recovery of *Istridhan* is a continuation offence. The Respondents have concealed the true facts that on 10.01.2012 at the time of grant of Bail under Section 498A/406/34 IPC. The Court had observed that the raid has already been conducted at the house of the accused/applicant and recovery has been made. Thereafter, the entire *Istridhan* had been returned. The copy of the Order of learned District Judge and learned ASJ dated 10.01.2012 is annexed.

6. It is submitted that since *Istridhan* has already been received by Respondent No.1 herein, these facts have been concealed from the Court and thereby two Applications under Section 340 Cr.P.C which are pending before the learned Trial Court, need to be disposed of. Also, Petition No.10097/2016 (Old No.V-90/2011) is liable to be dismissed with heavy costs as the Respondent has tried to ruin the life of three families and ten persons including four small children.

7. It is claimed that the offence under Section 340 Cr.P.C has been committed deliberately and malafide making wrong, misconceived and misleading true facts before this Court. Hence, a prayer is made that the action be taken under Section 340 Cr.P.C.

8. **Submissions heard.**

9. Essentially, the Petitioner has claimed that there is perjury committed in the reply filed to the main Petition. When specifically asked about the



falsehood, the Petitioner states that there were two Orders of the District Judge which had not been placed on record and thus, perjury got committed. It is also his grievance that his two Applications pending before the Trial Court under Section 340 Cr.P.C are not getting decided.

10. Pertinently, in the Order dated 05.03.2025 while noting these contentions of the Petitioner, it was specifically observed by this Court that the issue regarding concealment and giving false Affidavits is not relevant or germane to the issue raised in the Appeal and the same may be adjudicated by the concerned Court as and when the same is raised.

11. There are specific observations that the alleged concealment of the earlier Orders of the learned Trial Court in the Reply were not germane to the disposal of the present Petition. In view of the observations of this Court, it is evident that there is no prima facie case made out for initiating action under Section 340 Cr.P.C. It is obvious that the Petitioner is in fact, using this Application as a tool for arm twisting and making an endeavour to initiate proceedings against the Respondents, even though there is not cause of action.

12. The Application is dismissed with the cost of Rs.10,000/- to be deposited by the Petitioner/Applicant with the Delhi High Court Legal Services Authority.

13. The Application stands disposed of.

NEENA BANSAL KRISHNA, J

APRIL 2, 2025/va