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

% ***Reserved on: 17th September, 2025***
Pronounced on: 12th January, 2026

\+ **CRL.M.C. 1756/2017 & CRL.M.C. 1781/2017**

HARNAM SINGH
R/o 66, Hemkunt Colony,
Opposite Nehru Place
New Delhi -110048 .....Petitioner

Through: Mr. Mudit Jain and Ms. Mahima Malhotra, Advs.

Versus

1. **STATE**
Through: Standing Counsel
NCT of Delhi (Department of Prosecution)
High Court of Delhi, New Delhi .....Respondent No. 1

2. **MOHINDER PAL SINGH**
S/o Shri Amrik Singh Sahni
R/o P O Box No 20986, Code 13070
Kuwait .....Respondent No. 2

Through: Mr. Shoaib Haider, APP for State with SI Sukhbir Singh, PS: Tilak Marg.
Mr. Arvind Kumar Gupta, Mr. Arun Bhattacharya and Mr. Ishan Parashar, Advs. for R-2.

CRL.M.C. 4554/2017

HARNAM SINGH
R/o 66, Hemkunt Colony,
Opposite Nehru Place

New Delhi -110048 .....Petitioner

Through: Ms. Mahima Malhotra and Mr. Harjas Singh Gujral, Advocates.

Versus

MOHINDER PAL SINGH SAHNI
S/o Shri Amrik Singh Sahni
R/o P O Box No 20986, Code 13070, Kuwait

Also at:
House No. 29, Street No 3
Area 3, Mishref, Kuwait

And at:
D-1/II, Model Town,
New Delhi .....Respondent

Through: Mr. Shoaib Haider, APP for the State.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

<u>J U D G M E N T</u>

<u>NEENA BANSAL KRISHNA, J.</u>

1. The Petitioner/Harnam Singh has filed the aforesaid Petition in Crl. M.C. No.4554/2017 under Section 482 of the Code of Criminal Procedure, 1973 *('Cr.P.C.')* to challenge Orders dated **16.05.2016,** passed by the Ld. MM whereby the Complaint bearing **CC. No. 207/1/2015** filed by the Petitioner, was dismissed.

2. ***The Crl. M.C. No. 1781/2017*** has been filed to challenge the Order dated **05.11.2016** of ASJ who set aside the Order of summoning of the

Respondent Mohinder Pal Singh (accused) of the Ld. MM, whereby the Respondent was **discharged in Charge Sheet filed in *FIR No. 308/2005***.

3. **Crl. M.C. No. 1756/2017** has been filed by the Petitioner against the Order of discharge dated **05.11.2016** of ASJ, whereby no Charge has been framed in respect of Complaint CC No.57/2/2013 that was tagged with the FIR.

4. **CRL.M.C. 4554/2017** pertains to dismissal of the Complaint case No. 207/1/15, wherein the allegations were made about the forgery in the two Letters, both dated 27.04.2007, wherein the contents had been forged.

5. All the Petitions stem from an alleged **forgery and fraudulent use of Medical Certificates dated 20.05.1999 and 07.06.1999;** resubmission of these Medical Certificates with forged Signatures of the Doctor submitted along with **Letter dated 05.04.2013,** and Letter dated **22.05.2007** submitted by the Respondent/Accused, Mohinder Pal Singh Sahni, filed at different stages of the Criminal proceedings .

6. ***Briefly stated***, the Petitioner/Complainant, Harnam Singh, and the Respondent/Accused, Mohinder Pal Singh Sahni ("MPS"), became embroiled in protracted litigation following the revocation of a Power of Attorney granted by MPS to the Petitioner in August 1997.

7. The Petitioner had filed a Complaint against Respondent No. 2/MPS under Section 138 of the Negotiable Instruments Act, 1881, in September 1997 before the Learned Metropolitan Magistrate (Ld. MM), New Delhi. In this case, MPS was summoned as an accused. On 26.05.1999, Respondent No. 2 moved an Application seeking exemption from personal appearance, enclosing a photocopy of a medical certificate dated 20.05.1999 -

purportedly issued by Dr. Ibrahim Y. Al-Deeb of Kuwait in English, bearing a single signature.

8. He filed another exemption application on 10.06.1999 through his counsel, enclosing a photocopy of another medical certificate dated 07.06.1999, also in English and allegedly issued by the same doctor, again bearing only a single signature.

9. In 1999, the Petitioner filed an Application under Section 340 Cr.P.C. before the Ld. Trial Court, alleging that Respondent No. 2 had used forged Medical Certificates. Despite court orders, no reply was filed by the Respondent for nearly three years. The said Section 340 Application was eventually withdrawn by the Petitioner in 2003, with liberty to file a police Complaint.

10. ***Thereafter, the Petitioner instituted a private criminal complaint by way of Complaint Case (CC) No. 1113/2004,*** alleging that three Medical Prescription Slips dated 20.05.1999, 07.06.1999, and 30.06.1999, purportedly issued by Dr. Ibrahim Y. Al-Deeb of Mubarak Al-Raz Orthopaedic Hospital (not "Mubarak Al-Kabeer Hospital"), Kuwait, were forged and fabricated documents submitted to mislead the court. The Ld. Magistrate issued a summoning order against the Respondent on 01.03.2005.

11. Aggrieved, the Respondent challenged the Summoning Order before this Court in Crl. M.C. No. 3193/2005. The Court observed that the original Medical Certificates were never produced or seized, and that the opinion of the handwriting expert (GEQD) - based solely on photocopies - was insufficient to sustain criminal charges. The Court further held that the Medical Slips appeared "legal, valid and genuine," and that the continuation of the Complaint amounted to a "gross abuse of the process of court," motivated by personal vendetta. Consequently, the Petition was allowed, and both the Complaint and the Summoning Order were quashed *vide* order dated 30.05.2013.

12. The Petitioner's challenge to this order before the Supreme Court was unsuccessful; the Apex Court dismissed the Appeal, rendering the dismissal of Complaint No. 1113/2004 final and binding.

13. Separately, on the basis of a Complaint dated 25.06.2005 (received by police on 07.07.2005) - containing allegations identical to those in CC No. 1113/2004 - an FIR, being FIR No. 308/2005, was registered at PS Tilak Marg, New Delhi, on 29.07.2005, under Sections 420, 468, and 471 IPC against Respondent No. 2 for using forged Medical Certificates dated 20.05.1999 and 07.06.1999, each bearing only a single signature of the said Kuwaiti doctor.

14. During the course of investigation, the Police received a communication dated 27.11.2012, from the Ministry of Foreign Affairs, Kuwait, routed through the Indian Ministry of External Affairs (MEA), confirming that the aforementioned Medical Certificates were not genuine. The Kuwaiti authorities stated that the certificates lacked mandatory attestations by two doctors and the hospital director, as required under Kuwaiti ministerial regulations, and noted that the official seal referenced had been lost prior to 1999.

15. In April/May 2013, an Arabic-to-English translated copy of the said 27.11.2012 communication was formally received by the Investigating agency. It reiterated that the Medical Certificates dated 20.05.1999 and

07.06.1999 were not genuine and further confirmed that no corresponding medical files existed in the hospital records for these Certificates.

16. In response to the investigation, the Accused submitted a Letter dated 05.04.2013 to the Investigating Officer, enclosing photocopies of the same Medical Certificates dated 20.05.1999 and 07.06.1999. However, these newly submitted copies bore *double signatures* of the doctor- contradicting the single-signature versions originally filed in court in 1999.

17. The Police Status Report filed during Bail proceedings in June 2013 highlighted this discrepancy. The Investigating Officer noted that, in an apparent attempt to counter the MEA's finding that the 1999 Certificates were forged due to lack of proper attestations, the Accused had submitted altered versions of the same certificates in 2013 - now bearing two signatures instead of one.

18. The Petitioner characterized this conduct as a "continuing forgery" and filed a ***second criminal complaint*** CC No. 57/2/2013 arguing that if the Certificates filed in court in 1999 (with one signature) were genuine, then the submission of materially altered versions in 2013, with an added signature, constituted a fresh and independent act of forgery and fabrication of evidence. The Petitioner sought separate prosecution of the Accused for this distinct offence.

<u>Complaint CC No. 207/1/15:</u>

19. The Accused had submitted two Medical Certificates along with a Letter dated 27.04.2007 to the Investigating Officer (IO). As recorded in the Police file and reproduced in the Chargesheet in FIR No. 308/2005, the relevant portion of this Letter read:

"*Upon my Arrival in India, I immediately contacted IO Mr. Sanjay Singh and furnished* ***all documents*** *which were in my possession*".

20. However, in the version of the same Letter filed before this Hon'ble Court as **Annexure P-6** to his **Bail Application No. 1017/2013**, the text was altered to read:

"*Upon my Arrival in India, I immediately contacted IO Mr. Sanjay Singh and furnished* ***all three documents in original*** *which were in my possession*".

21. This altered version was relied upon by the Accused during the hearing of his Bail Application in **2013** before this Court. The Petitioner contended that by inserting the words ***"three"*** and ***"in original,"*** the Accused deliberately fabricated the document to create a false impression that the original Medical Certificates had already been surrendered to the police as early as **2007 -** thereby attempting to preclude the need for custodial interrogation for recovery of the originals.

22. The Investigating Officer strongly opposed the Bail Application through a Status Report dated 06.06.2013, explicitly stating that the original Medical Certificates had never been recovered, and that the photocopies submitted by the Accused were not genuine; claim directly contradicting made in the altered Letter.

23. Although this forged Letter formed part of the Accused's defense in the Bail proceedings, it gave rise to a separate and independent cause of action for the Petitioner. Accordingly, on 15.04.2015, the Petitioner lodged a written Complaint with the SHO, P.S. Tilak Marg, specifically alleging that the insertion of the words *"three"* and *"in original"* constituted a deliberate act of forgery and fabrication intended to fraudulently secure Bail.

24. When the police failed to register an FIR based on this Complaint, the Petitioner instituted a third Criminal Complaint case bearing ***Complaint Case No. 207/1/15*** - which is the subject matter of the present Criminal Miscellaneous Case No. 4554/2017.

25. The Ld. Magistrate took cognizance and recorded the pre-summoning evidence. The Petitioner examined three witnesses, as under:

(i) ***CW-1/Sh. Sunil Kumar, JJA, Delhi High Court*** *produced the record of Bail Appl. No. 1017/2013 containing the allegedly forged letter.*

(ii) ***CW-2/Sh. Manoj Singh Negi, Ahlmad,*** *produced the record of FIR No. 308/2005 (Charge-sheet), verifying the original letter received by the police.*

(iii) ***CW-3/Petitioner*** *deposed about the forgery of Letters/Medical Certificates, as stated in his Complaint.*

26. The Ld. MM, *vide* the impugned Order dated **16.05.2016**, observed that the Letter marked **Ex. CW1/4,** filed by the Accused in the Hon'ble High Court as **Annexure P-6** to his Bail Application, bore a Police Station receipt stamp dated **22.05.2007**, whereas the version of the same Letter forming part of the Chargesheet in FIR No. 308/2005 (**Ex. CW2/2**) bore a receipt stamp dated **23.05.2007**.

27. On this basis, the Ld. MM concluded that these were *"two different documents though having similar contents."* The Court held that mere similarity in content did not establish forgery, and that the filing of **Ex. CW1/4** instead of **Ex. CW2/2** did not constitute offences under Sections

420, 465, 468, or 471 IPC. The allegations were dismissed as *"patently absurd and inherently improbable,"* such that no prudent person could conclude there were sufficient grounds to proceed with the Complaint.

28. ***Accordingly, the Ld. MM held that there was no sufficient ground for summoning the Respondent and dismissed Complaint Case No. 207/1/15.***

29. ***Parallel to these proceedings,*** investigations in FIR No. 308/2005 registered on 29.07.2005, concerning the alleged forgery of medical certificates dated 20.05.1999 and 07.06.1999 were ongoing. The Chargesheet in this FIR was filed on 09.02.2015. However, by Order dated 27.06.2015, the Ld. M.M directed that Complaint Case No. 57/2/2013 (pertaining to the "double signature" forgery) be tagged with the main FIR file, as the Chargesheet had already been filed.

30. In the interim, the Accused had filed **Crl. M.C. No. 2196/2013** seeking quashing of FIR No. 308/2005. This Court, by Order dated **19.01.2015**, **dismissed** the Petition, noting that the investigation was complete and the Chargesheet had been filed, and granted liberty to the Accused to raise his contentions at the stage of framing of charges.

31. Thereafter, the Ld. M.M, finding a *prima facie* case based on the Chargesheet, including the **MEA (Kuwait) report dated 27.11.2012** confirming the Certificates were forged, directed the framing of Charges under Sections **420, 468, and 471 IPC** against the Accused, *vide* Order dated **13.07.2016**. However, this Order **did not separately address** the distinct offence of *"continuing/another forgery"* involving the submission of **doubly-signed Medical Certificates** in **2013**, as alleged in the tagged **Complaint Case No. 57/2/2013**.

32. The said Order was challenged by the Accused through **Crl. Rev. No. 8762/2016**, seeking discharge. Simultaneously, the Petitioner/Complainant filed **Crl. Rev. No. 8895/2016**, urging the framing of an **additional and separate charge** for the *"double signature"* forgery under **CC No. 57/2/2013**, which had been lawfully tagged with the FIR.

33. The Ld. ASJ disposed of both **Revision Petitions** by a **common Order dated 05.11.2016**. The Ld. ASJ **allowed the accused' Revision**, set aside the framing of charges, and discharged him in FIR No. 308/2005. In doing so, the Court relied on earlier judgment **dated 30.05.2013 of this Court** in **Crl. M.C. No. 3193/2005**, wherein the Medical Certificates were held to be *"legal, valid and genuine."* The Ld. ASJ concluded that the Ld. MM committed a *"grave illegality"* by framing Charges based on the same documents previously upheld as genuine**.**

34. The Ld. ASJ also **dismissed the Petitioner's Crl. Rev. No. 8895/2016**, holding that once a Complaint is tagged with a Police case under **Section 210 Cr.P.C.**, it must be tried together as if instituted on a Police report, and thus, no separate charge could be framed.

35. ***Thus, the events surrounding the investigation and Bail proceeding***s in 2013 gave rise to three distinct offshoots of litigation: **one** challenging the original Medical Certificates Dated 20.05.1999 and 07.06.1999 filed in the Complaint Case under S.138 in 1999, as forged; **second** regarding ***double-signature Certificates (CC 57/2/2013)*** and the **third**, challenging the altered Letter dated 27. 04. 2007 submitted by the Counsel of the Respondent to the IO, which is the subject matter of **Complaint Case No. 207/1/15**.

<u>Crl. M.C. 1781/2017 & Crl. M.C. 1756/2017:</u>

36. ***These two Petitions*** challenge the common impugned Order dated 05.11.2016. ***Crl. M.C. No. 1781/2017*** assails the discharge of the Accused in FIR No. 308/2005. **Crl. M.C. No. 1756/2017** challenges the dismissal of the plea to frame a separate charge for the distinct offence of "double signature" forgery under CC No. 57/2/2013, which had been duly tagged with the FIR.

37. ***The grounds of challenge*** are that the Petitioner was not impleaded as a party in the Accused's Revision petition, thereby violating the principle of *audi alteram partem* and denying him the right to be heard.

38. The Ld. ASJ erred in disregarding the Chargesheet and the Official communication from the Ministry of Foreign Affairs, Kuwait (*via* MEA, dated 27.11.2012), which categorically stated that the Medical Certificates were not genuine due to missing attestations and the loss of the Doctor's seal prior to 1999. This verification by MFA Kuwait was not available to the High Court when it passed the order on 30.05.2013 in Crl. M.C. No. 3193/2005. The findings in the earlier private Complaint - which was based solely on photocopies and quashed in 2013 - cannot override a Police Chargesheet supported by diplomatic confirmation of forgery.

39. The Accused allegedly suppressed material evidence by not placing the Chargesheet before the Revisional Court. The Ld. ASJ fell into error by discharging the Accused based solely on the 2013 Order, which predated the crucial MEA report.

40. Moreover, this Court, in its Order dated 19.01.2015 in Crl. M.C. No. 2196/2013, had refused to quash FIR No. 308/2005 and expressly left it open for the trial court to consider the merits at the stage of charge.

41. It is submitted that the impugned Revision Order effectively overrules this binding direction, amounting to judicial impropriety.

CRL.M.C. 4554/2017:

42. ***This Petition*** challenges the impugned Order dated 16.05.2016, whereby the Ld. MM dismissed CC No. 207/1/15. The Complaint alleged that the Respondent fraudulently altered the Letter dated 27.04.2007 - originally submitted to the IO, by inserting the phrase *"all three documents in original"* when filing it as Annexure P-6 to his Bail Application No. 1017/2013 before this Court, thereby falsely suggesting full cooperation and surrender of originals.

43. *The Petitioner has challenged this Impugned Order on the grounds* that the Ld. M.M. failed to appreciate that the Accused materially altered the document to mislead this Court. The Letter originally submitted to the IO stated the accused furnished "*all documents"*, whereas the Status Report filed in this Court for bail was altered to read *"all three documents in original"*.

44. This act constitutes a distinct offence of forgery under Section 464 IPC, as it involved dishonestly making a false document to cause damage or support a legal claim. Unlike the 1999 forgery, this was committed in 2013 during judicial proceedings. Under Section 218 Cr.P.C., every distinct Offence requires a separate charge. The Ld. ASJ erred in conflating this with the main FIR and refusing to direct framing of a separate charge.

45. The Ld. ASJ further ignored the Status Report dated 06.06.2013, wherein the IO explicitly noted that the Accused, upon learning that the single-signature certificates were deemed forged, submitted new versions with double signatures - an act described as "another forgery."

46. The Petitioner submits that Section 210(2) Cr.P.C. mandates that a tagged Complaint be tried together with the police case, but it does not extinguish the Complaint or permit the court to ignore distinct offences not covered in the Chargesheet.

47. Additionally, the standard of proof in a private Complaint differs from that in a police Complaint, where the police possess broader investigative powers and access to evidence from departments such as MEA.

48. Dismissing the revision solely on the procedural ground of *"tagging"* resulted in a failure of justice, as the substantive offence of the second forgery remains uncharged and unpunished.

49. The impugned Order is also non-speaking and fails to comply with Section 203 Cr.P.C., which requires the Magistrate to briefly record reasons for dismissing a Complaint.

50. The Ld. M.M erroneously conducted a mini-trial, evaluating the defence and documentary discrepancies, rather than applying the correct *prima facie* standard applicable at the summoning stage.

51. Whether the documents were "different" or "forged" is a question of fact for trial, not for pre-summoning determination. The Court's role at this stage is not to assess conviction prospects, but to determine if sufficient grounds exist to proceed.

52. The Petitioner relies on *Shri Chand Gupta v. Sanjosh Kumar & Anr.* (Crl.M.C. No. 5113/2013) for the proposition that the standard for private

Complaints may differ, though it should be noted that the prevailing view favours *prima facie* scrutiny regardless of origin.

53. Also, the Apex Court in *Divine Retreat Centre vs. State of Kerala & Ors.*, 2008 (3) S.C. 223, observed that *"investigation in cognizable cases is a power conferred exclusively on the police officers. So long as that power is not abused, it would not be interfered with. The said power should be exercised in strict compliance with Chapter XII of the Code."* Similar view has been taken by this Court in *Amrit V. vs. Govt. of NCT of Delhi* 2010 (171) DLT 607.

54. It is submitted that the present Petition is maintainable in view of the law laid down by the Apex Court in *Dharwal Tobacco Products Ltd. & Others Vs. State of Maharashtra & Another* 2009 (2) SCC 370.

55. Further, in *Krishnan & Another vs. Krishnaveni & Another*, 1997 (4) SCC 241, the Apex Court has held that the High Court is justified in interfering with the Order to prevent miscarriage of justice and in setting aside. Further reliance is placed upon *Shakuntala Devi and others Vs. Chamru Mahto & Another* 2009 (3) SCC 310.

56. ***In Crl. M.C. No. 4554/2017,*** the Petitioner specifically challenges the dismissal of CC No. 207/1/15 on the erroneous finding that the two Letters were merely "different" due to receipt dates. The core allegation that the text was altered to fabricate compliance - was corroborated by the IO's Status Report and the testimony of three witnesses (CW-1, CW-2, and CW-3). Dismissing the Complaint without addressing this specific evidence amounts to a failure to exercise judicial mind.

57. ***Thus, it is prayed that the Petitions be allowed and impugned Orders be set aside.***

58. ***The Respondent/Mohinder Pal Singh Sahni, has filed a Counter Affidavit*** raising the contentions that the petition is an abuse of the process of law and that the Petitioner has filed multiple litigations on the same cause of action, to harass him. The Respondent asserts that Petitioner's actions as arm-twisting tactics designed to extract money from an NRI settled in Kuwait for 47 years.

59. A ***preliminary objection*** is taken that the present Petition under Section 482 Cr.P.C., is essentially a **second Revision** against the Order of the Ld. Trial Court, which is barred under **Section 397(3) Cr.P.C.** The Petitioner cannot bypass this statutory bar by invoking inherent powers.

60. The Respondent has asserted that the Medical Certificates were genuinely issued by Dr. Ibrahim Y. Al-Deeb in 1999, copies of which were submitted in the Court of Ld. MM in the Complaint filed under S.138 NI Act. Addressing the core allegation of *"continuing forgery,"* the Respondent explained that during the investigation, the IO insisted on the documents.

61. Consequently, the Respondent took the **second signatures of the doctor** on the Medical slips during the investigation and submitted them to the IO. Therefore, he stated that there was no question of forgery, as the signatures were obtained to satisfy the IO.

62. The Respondent supported the Ld. ASJ's reasoning that under **Section 210 Cr.P.C** the Complaint case **CC No. 57/2/13** merged with the Police case **FIR No. 308/2005**. Since the Chargesheet had already been filed in the FIR, and the Complaint was tagged with it, the Complaint became redundant. The Respondent contends that the two Courts provided correct legal justification for not framing a separate Charge based on the tagged Complaint.

63. The Respondent reiterated that the Petitioner is filing Complaints one after another i.e. *CC No. 1113/2004, FIR 308/2005, and CC No. 57/2/13* based on the same "*3 Medical Prescription Slips,*" solely to harass him.

64. The Respondent has heavily relied on the Order of the coordinate Bench of this Court dated **30.05.2013** in Crl. M.C. No. 3193/2005 to state that this Order had already adjudicated the genuineness of the three *Medical Prescription Slips* dated 20.05.1999, 07.06.1999, and 30.06.1999 and held them to be *"legal, valid and genuine"*. Since the FIR was based on two of these same medical Certificates, the FIR became otiose following the High Court's findings. The Petitioner has concealed the adjudication regarding the validity of the Medical Slips in the earlier Crl. M.C. No. 3193/2005, thereby misleading the Court.

65. Moreover, that the Petitioner had filed Special Leave Petition (SLP) before the Apex Court to challenge the Order dated 30.05.2013 of this Court, which was dismissed *in limine*. Therefore, the issue of the validity of the Certificates could not be agitated again.

66. ***The Respondent states*** that the Ld. ASJ's Order suffers from no infirmity as it has correctly relied on this Court's findings that the documents were genuine.

67. *The Respondent* has further explained the two Letters submitted in the Bail Application, were two separate Letters; one received in the Police Station on **22.05.2007** and another on **23.05.2007**. Merely because one of the Letters received by the Police was filed with the Bail Application, it does not make the document forged or fabricated. The Respondent relied on the Ld. MM's finding that the documents had only a *"minor difference of words"* and that the sense of both was almost the same.

68. Relying on the judgment in *State of Haryana vs. Bhajan Lal*, 1992 Supp. (1) SCC 335 the Respondent asserted that the proceedings were maliciously instituted with an ulterior motive for wreaking vengeance due to the cancellation of the Power of Attorney.

Submissions Heard and Record Perused.

I. Preliminary Objection:

69. The Respondent raised a preliminary objection that the Petitions - being challenges to the Ld. ASJ's common Order dated 05.11.2016 in Crl. M.C. Nos. 1781/2017 and 1756/2017, and to the Ld. MM's order dated 16.05.2016 in Crl. M.C. No. 4554/2017 - amount to second Revisions and are therefore, barred under Section 397(3) Cr.P.C.

70. This contention is not tenable. The inherent power of the High Court under Section 482 Cr.P.C. is distinct from its revisional jurisdiction under Section 397 Cr.P.C. While such power must be exercised sparingly and with caution, it remains available even where a second revision is statutorily barred - particularly to prevent abuse of process or secure the ends of justice.

71. The fundamental purpose of Section 482 Cr.P.C. is to prevent the abuse of the judicial process and to secure the ends of justice. Where the High Court discerns a grave miscarriage of justice, or suppression of material evidence, it is not only empowered but duty-bound to intervene.

72. Given the gravity of the allegations, including the submission of forged medical certificates and the deliberate alteration of Court documents to mislead judicial authorities, the objection regarding maintainability is misconceived.

73. *These acts directly impugn the integrity of judicial proceedings, warranting the exercise of inherent powers.*

II. <u>Offence of Forgery, and Fabrication:</u>

74. FIR No. 308/2005 was registered at PS Tilak Marg, New Delhi, on 29.07.2005, under Sections 420, 468, and 471 IPC, based on a Complaint by the Petitioner. The FIR pertains to two forged Medical Certificates dated 20.05.1999 and 07.06.1999, submitted by the Respondent along with Applications seeking exemption from personal appearance in Complaint Case No. 343/1997 filed under Section 138 of the NI Act. A communication dated 27.11.2012 from the Ministry of Foreign Affairs, Kuwait, routed through the Indian MEA, confirming that the said Medical Certificates were not genuine. During investigations, the respondent enclosed two Medical Certificates dated 20.05.1999 and 07.06.1999 along with Letter dated 27.04.2007, bearing a Police Station Receipt stamp dated 22.05.2007, now bearing two signatures, contradicting the single-signature versions originally filed in court in 1999.

75. After investigations, the Chargesheet under Sections 420/468/471 IPC was accordingly, filed on 09.02.2015.

76. The question that arises before this Court is whether the Respondent was rightly discharged by the Ld. M.M. in the said Chargesheet *vide* Order dated 13.07.2016, which was upheld by the Ld. ASJ *vide* Order dated 05.11.2016.

77. The *first ground of challenge* is that the Ld. ASJ erroneously relied on the judgment dated 30.05.2013 in Crl. M.C. No. 3193/2005, which had quashed Complaint Case No. 1113/2004 - a private Complaint based solely on photocopies and lacking diplomatic verification.

78. The genesis of the dispute lies in a Complaint under Section 138 NI Act filed by the Petitioner in September 1997, in which the Respondent was summoned as an accused. To seek exemption from appearance, the Respondent filed two Applications on 26.05.1999 and 10.06.1999, supported by the contested Medical Certificates - triggering litigation spanning over 26 years.

79. **The first criminal proceeding** was Complaint Case No. 1113/2004, wherein the Petitioner alleged that the Medical Certificates dated 20.05.1999 and 07.06.1999 were forged due to lack of dual signatures. This Complaint was quashed by the coordinate Bench of this Court on 30.05.2013, and the Petitioner's Appeal before the Supreme Court was dismissed, rendering the order final.

80. The Chargesheet also noted that during investigation, the Respondent submitted new versions of the same Certificates with double signatures in 2013 along with a Letter dated 27.04.2007, giving rise to two additional Complaints.

a. **CC No. 57/2/2013** (for "double signature" forgery); and
b. **CC No. 207/1/2015** (for altering the 27.04.2007 Letter).

81. The core issue before this Court is whether the Ld. ASJ was justified in discharging the accused in FIR No. 308/2005 and in holding that the tagged Complaint bearing CC No. 57/2/2013 stood extinguished - despite the existence of new, independent evidence, including diplomatic confirmation of forgery and subsequent acts of document manipulation, that was never before the Court in 2013.

82. This Court in its Judgment dated 30.05.2013, while quashing the first Complaint *CC No. 1113/2004 raising the issue of alleged forged Medical Certificates submitted before Ld. MM,* considered in detail the rival contentions of the parties and quashed the Complaint with the following observations:

> "***16.*** *The photocopies of the medical certificates were filed while seeking exemption on 26.05.1999, 10.06.1999 and 01.07.1999. It appears that relying upon the certificates the accused/ petitioner was granted exemption by the Court. It is unclear if at the time of seeking exemption on behalf of the petitioner, the complainant had raised any objection or suspected the genuineness of the medical certificates.* ***The present complaint case was filed in July, 2002 after a considerable delay of about three years.*** *The complainant has failed to explain the inordinate delay in filing the complaint case.* ***It is not clear if the complainant challenged the exemption granted to the petitioner in the said proceedings.*** *It has come on record that the complainant had earlier moved applications under Section 340 Cr.P.C. However, he opted to withdraw the said applications.* ***There is no finding of the Court concerned that the petitioner sought exemption on forged or fabricated documents. The original medical certificates were not on record. The handwriting expert merely examined the photocopies of the medical certificates. The Trial Court had no cogent material except the bald statement of the complainant to form its, prima facie, opinion that the medical certificates filed along with the exemption applications were forged or fabricated. No coercive action was taken by the Court concerned against the petitioner for filing the alleged forged or fabricated medical certificates. Complainant had no reasonable belief that the certificates were forged and fabricated.*** *It is relevant to note that the complainant registered FIR No.308/2005 dated 29.07.2005 at PS Tilak Marg, under Sections 420/467/468/428 IPC against the petitioner for*

allegedly filing the said medical certificates in the proceedings instituted under Section 138 Negotiable Instruments Act. ***The complainant opted to withdraw the complaint case under Section 138 Negotiable Instruments Act****. The complaint case in which the exemption was sought and the petitioner was summoned vide Order dated 11.11.1998 has been quashed by a separate order.* ***The complainant has lodged numerous criminal litigations against the petitioner apparently to drag him in unending litigations. The Trial Court without application of mind summoned the accused. The whole case of the complainant is based upon surmises and conjectures. The complaint case does not show any worthwhile material to proceed against the petitioner and it is an abuse of the process of the Court.*** *The complaint case 'Harnam Singh vs. Mohinder Pal Singh Sahni' and summoning order dated 01.03.2005 are quashed. The petition is allowed.*"

83. ***The matter should have rested there***, but an FIR No. 308/2005, registered on 29.07.2005 at PS Tilak Marg, was subsequently registered after confirmation from the Kuwait Embassy *via* MEA in April/May 2013, the Chargesheet was filed on 09.02.2015.

84. Though the Ld. ASJ relied heavily on the judgment dated 30.05.2013 of the coordinate Bench of this Court in Crl. M.C. No. 3193/2005, since the allegations made in Complaint Case No. 1113/2004 as well as the FIR were based on the same two Medical Certificates dated 20.05.1999 and 07.06.1999, which were alleged to be forged and fabricated, some reference should have been made to the Report received from the Ministry of Foreign Affairs, Kuwait, dated 27.11.2012, which confirmed that the Certificates were not genuine due to lack of attestations and absence of the doctor's seal since before 1999. The Report did not rely on verification from the concerned doctor, but rather on administrative protocols of the Hospital.

85. The Respondent has cogently argued that two separate Letters existed, one received by the police on 22.05.2007 with receipt stamp dated 23.05.2007, and another submitted along with his Bail Application as *Annexure P-6* in 2013, which contained altered wording to the effect of "all three documents in original".

86. The Police record itself indicates receipts of one Letter on 22.05.2007 bearing the stamp of Police Station dated 23.05.2007.

87. Pertinently, therein the Respondent had indicated that, in order to satisfy the IO, he had obtained double signatures on the photocopy of the earlier Medical Certificates of 1999 and had submitted the originals to the IO.

88. While there may be some confusion, it is clearly evident that the subsequent Letters submitted by the Respondent at the time of Bail, referred to the subsequently obtained Medical Certificates with double signatures in 2013, and not to the original Medical Certificates of 1999. It can also not be overlooked that these two letters were submitted to the IO in 2007, but emerged during the Bail proceedings in 2013. Furthermore, it has been the consistent stand of the Respondent that original Medical certificates had been submitted initially to Io Sanjay Singh in 2007 itself. If the Letters are read in right perspective, this is what was sought to be conveyed in the two letters.

89. ***There is essentially no forgery in regard to the Letters, as asserted by the Petitioner.***

90. **To sum up**, the genesis of this dispute lies in a Complaint under Section 138 NI Act filed by the Petitioner/Complainant in 1997, nearly three decades ago. the Medical Certificates were filed in the way back in the year

1999, wherein merely to seek exemption on two dates i.e. 26.05.1999 and 10.06.1999, photocopies of the two Medical Certificates were submitted in court. The reasons given by this Court in its Order dated 30.05.2013, still hold good. Admittedly, the entire controversy had arisen in the Complaint under Section 138 NI Act, which itself got withdrawn on 22.09.2003.

91. There is nothing to show that the exemption granted to the Respondent in 1999, was ever challenged by the Petitioner.

92. The records indicate that the criminal machinery has been set into motion not for the pursuit of justice, but seemingly as a tool for settling a personal score, stemming from the cancellation of a Power of Attorney. There is nothing to indicate that the Complainant was aggrieved by the exemptions so granted to the Respondent.

93. It is also pertinent to note that the Petitioner is an NRI based in Kuwait. To subject an individual, particularly an NRI residing abroad for over 40 years, to continuous Criminal Trials for alleged procedural lapses (medical slips/letters) occurring in **1999** and **2007**, after the underlying NI Act case was withdrawn in **2003**, is a gross abuse of the process of law.

94. The aforesaid three litigations are clearly an abuse of process of law continued by the Complainant for about 30 years with no fruitful purpose. It is clearly a case of abuse and wreaking of vengeance. The Apex Court in *Bhajan Lal* (supra) has categorically held that criminal proceedings instituted with an ulterior motive for wreaking vengeance or due to private and personal grudges constitute an abuse of process.

95. This is a fit case for the Court to intervene to prevent the judicial process from becoming an instrument of oppression and uphold the dismissal of the Complaint and setting aside of the Summoning Order by the Ld. ASJ.

96. ***There is no merit in the aforesaid three petitions, which are hereby dismissed.***

<u>Order:</u>

97. In view of the aforesaid discussion, it is held that there is no merit in the aforesaid **Petitions** CRL.M.C. 1781/2017, CRL.M.C. 1756/2017, and CRL.M.C. 4554/2017, which are hereby **dismissed**.

98. The pending Applications, if any, are disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

JANUARY 12, 2026/*N*