



2026:DHC:2798



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

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Date of Decision: 27.03.2026

+ **FAO 382/2018**

BHANU PRATAP SINGH & ANR

.....Appellants

Through: Mr. Rohit Nagar, Advocate

versus

UNION OF INDIA

.....Respondent

Through: Ms. Ridhima Gaur, SP for UOI

+ **FAO 543/2018**

BHANU PRATAP SINGH & ANR

.....Appellants

Through: Mr. Rohit Nagar, Advocate

versus

UNION OF INDIA

.....Respondent

Through: Ms. Ridhima Gaur, SP for UOI

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

CM APPL. 32618/2018 in FAO 382/2018 (delay of 47 days in filing the appeal)

1. This is an application filed by the appellant seeking condonation of delay of 47 days in filing of the appeal.
2. For the reasons stated in the application, the delay of 47 days in filing of the appeal is condoned.
3. The application is disposed of accordingly.

CM APPL. 49919/2018 in FAO 543/2018 (delay of 01 day in filing the appeal)



1. This is an application filed by the appellant seeking condonation of delay of 01 day in filing of the appeal.
2. For the reasons stated in the application, the delay of 01 day in filing of the appeal is condoned.
3. The application is disposed of accordingly.

FAO 382/2018&FAO 543/2018

1. The present set of appeals arise out of the judgment/ order dated 22.03.2018, passed by the learned Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the “Tribunal”), in OA No. 167/2017, as well as the consequential order dated 27.06.2018. While FAO 382/2018 has been filed by the appellants assailing the dismissal of the claim petition, the connected appeal, i.e., FAO 543/2018 challenges the initiation of proceedings under Section 340 of Code of Criminal Procedure, 1973 (hereinafter “CrPC”) arising out of the same proceedings.

As common submissions have been addressed, both the appeals are taken up together for consideration, and are being dealt with by way of a common judgment.

2. Briefly, the appellants had preferred a claim petition before the learned Tribunal seeking compensation on account of the death of one *Atul Pratap* (hereinafter referred to as the “deceased”), who was stated to have died in an incident of accidental fall from a running train while travelling from *Lucknow* to *New Delhi*. It was the case of the appellants that the deceased was travelling as a *bona fide* passenger on a valid journey ticket and, on account of a sudden jerk, while he was standing near the door of the compartment, he fell from the train and sustained fatal injuries, due to which, he died on spot.



3. The claim petition came to be dismissed by the Tribunal *vide* judgment/order dated 22.03.2018, on the ground that the appellants had failed to establish the genuineness of the journey ticket, as well as the circumstances in which the alleged incident had occurred. While returning the said findings, the Tribunal also issued a show cause notice to the appellants as to why proceedings under Section 340 CrPC should not initiated against them.

Pursuant to the reply submitted by the appellants, and after due consideration, the Tribunal, *vide* order dated 27.06.2018, directed initiation of proceedings by lodging a complaint before the concerned Judicial Magistrate.

4. Insofar as the challenge to the dismissal of the claim petition is concerned, the principal issue that the Tribunal dealt with was the inconsistency as to how the journey was undertaken, as pleaded by the appellants, and the location where the body of the deceased was recovered. The appellants had set up a case that the deceased was travelling from *Lucknow* to *New Delhi* on the strength of a journey ticket bearing No. 46359950. A perusal of the said ticket, however, revealed that the route reflected therein was via *Kanpur - Ghaziabad - Tilak Bridge*, whereas the body of the deceased was found between *Pilkhuwa* and *Dasna*, which does not fall on the said route, and this discrepancy was not a minor irregularity but went to the root of the matter, as the very foundation of the claim rested upon the deceased being a *bona fide* passenger travelling on the said ticket.

5. It is further evident from the record that an attempt was made to suggest that the deceased may have travelled through an alternate route. However, no such assertion finds mention in the claim application and also,



no amendment was sought at any stage to incorporate such a plea, nor was any material placed on record to substantiate the same. The appellants remained confined to the original case as set up before the Tribunal.

6. In these circumstances, the Tribunal cannot be faulted for examining the case strictly on the basis of the pleadings and evidence as presented. It is trite that a party cannot be permitted to travel beyond its pleadings, or improve its case at a later stage without laying the necessary foundation. The suggestion of an alternate route in the absence of any pleading or supporting material was therefore rightly not accepted, as the said submission cannot be permitted to be raised for the first time at this stage in the absence of any such case having been set up before the Tribunal. Hence, accepting such a contention would amount to allowing the appellants to reconstruct their case at the appellate stage, which is impermissible.

7. Apart from the aforesaid discrepancy, the Tribunal has also taken note of other surrounding circumstances, including the absence of any clear particulars regarding the train by which the deceased was travelling and the manner in which the identity of the deceased was established at the site. The Tribunal has, on a cumulative appreciation of these factors, returned a finding that the appellants failed to establish that the deceased was travelling as a *bonafide* passenger or that the incident in question was an “untoward incident” within the meaning of the Railways Act, 1989.

8. Having considered the reasoning of the Tribunal in the light of the material placed on record, this Court finds that the view taken is a plausible one. The discrepancy relating to the route of travel, coupled with the absence of pleadings regarding any alternate route constitutes a valid basis for the conclusions that are drawn by the Tribunal. It cannot, therefore, be



said that the findings suffer from perversity or warrant interference in appellate jurisdiction.

9. In view of the above, this Court finds no ground to interfere with the dismissal of the claim petition, and remains confined to the correctness of the said order. The appeal, insofar as it assails the impugned order dated 22.03.2018 on merits, is accordingly dismissed.

10. This then brings the Court to the challenge laid to the initiation of proceedings under Section 340 CrPC. A perusal of the orders dated 22.03.2018 and 27.06.2018 would show that after dismissing the claim petition, the Tribunal proceeded to issue notice to the appellants and thereafter, upon considering their reply, formed a *prima facie* view that the journey ticket relied upon by them was fabricated, and that its production amounted to a deliberate attempt to mislead the Court.

11. The reasoning of the Tribunal in this regard is essentially founded on the discrepancy relating to the route of travel. The Tribunal has also referred to the availability of specific trains on the said route, and has rejected the explanation offered by the appellants that the deceased may have boarded another train by mistake observing that there was no scope for such an eventuality.

12. While these aspects were undoubtedly relevant for the purpose of examining the validity of the claim petition, and were sufficient to disbelieve the case set up by the appellants, the question that arises is whether the same could justify a finding of deliberate fabrication of evidence so as to warrant initiation of proceedings under Section 340 CrPC.

13. The scope of Section 340 CrPC is well settled. It is not every incorrect or inconsistent statement which would warrant initiation of prosecution,



rather there must be material to indicate a deliberate and conscious attempt to give false evidence and, even then, the Court must form an opinion that it is in the interest of justice to proceed in the matter. There is a word of caution inbuilt in that provision itself that the action to be taken should be expedient in the nature of justice. Therefore, it is incumbent that the power given by Section 340 CrPC should be used with utmost care and after due consideration. (Ref:*K.T.M.S. Mohd. and Anr. vs. Union of India*)¹.

14. In the present case, the appellants are the parents of the deceased and were not accompanying him at the time of the journey. Their case, as set up in the claim application, is evidently based on their understanding of the fact that the deceased might have taken an alternative route, and the surrounding information available to them. The same, though not accepted by the Tribunal for the purpose of sustaining the claim, cannot be construed as a deliberate attempt to fabricate evidence. The conclusion regarding fabrication of the ticket is not based on any independent material, but is essentially an inference drawn from the discrepancy in the route of travel and the attendant circumstances noticed by the Tribunal. In such circumstances, the appellants would be entitled to the benefit of doubt, insofar as initiation of proceedings under Section 340 CrPC are concerned.

15. In these circumstances, this Court is of the considered view that the requirement of forming an opinion that it is expedient in the interest of justice to initiate proceedings under Section 340 CrPC has not been satisfied. The directions issued by the Tribunal, therefore, cannot be sustained.

¹(1992) 3 SCC 178



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16. Accordingly, the appeals challenging the orders dated 22.03.2018 and 27.06.2018 respectively, to the extent they direct initiation of proceedings under Section 340 CrPC, are allowed and the said directions are set aside.

(MANOJ KUMAR OHRI)
JUDGE

MARCH 27, 2026
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