

S M Matloob vs Asma Parveen & Ors. on 27 March, 2025

Author: Tushar Rao Gedela

Bench: Tushar Rao Gedela

* IN THE HIGH COURT OF DELHI AT NEW DELHI
% Judgment reserved on: 18.03.2025
Judgment delivered on: 27.03.2025

+ LPA 198/2025 & CM APPL. 15604/2025

S M MATLOOB ...Appellant

versus

ASMA PARVEEN & ORSRespondents

Advocates who appeared in this case:

For the Appellant : Appellant-in-person.

For the Respondents : None.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J.

1. Present letters patent appeal has been filed assailing the order dated 03.02.2025 passed by the learned Single Judge dismissing the Review Petition No.205/2024 filed by the appellant in the underlying writ petition bearing W.P.(C) No.11706/2023 titled Asma Parveen vs. Municipal Corporation of Delhi & Ors., whereby the appellant sought review of the order dated 04.04.2024 vide which the application of the appellant (CM APPL.14463/2024) for intervening in the underlying writ petition as informant was dismissed.

2. It is the case of the appellant that he is a former employee of Ministry of External Affairs and a whistleblower by nature. It is stated that the respondent no.1 had filed the underlying writ petition seeking action against unauthorized construction and illegal encroachment by respondent nos.2 to 5 therein on immovable property bearing no.S-10, D-20, part of Khasra No.427/260/88, near Mumtaz Masjid, Batla House, Okhla, New Delhi-110025. The said petition was supported by three annexures including copies of the Agreement to Sell, the complaint against the respondents therein, and photographs. The appellant claims that after he came to know about the serious perjury committed in the form of fake documents of the property by showing Rs.50,00,000/- as payment, he filed an application (CM APPL.57729/2023) as an intervener, seeking impleadment on the ground of fraud committed by respondent no.1. However, vide order dated 07.11.2023, the said application was dismissed by the learned Single Judge noting that the appellant has no connection

with the subject property and is not directly affected by the subject matter of the said writ petition, which stood disposed of.

3. It is further stated that the appellant filed a second application (CM APPL.14463/2024) on the premise that the respondent no.1 had filed forged, fabricated and fake documents before the learned Single Judge with the ulterior motive to obtain a favourable order for wrongful gains, and to blackmail the builder. The said application stood dismissed vide order dated 04.04.2024 however with the liberty to the appellant to pursue appropriate remedies in accordance with law, including approaching the police for investigation against the respondent no.1 in case she is resorting to any illegal action of blackmailing any builder or any other party.

4. Against the said order dated 04.04.2024, the appellant had filed the review petition which was dismissed vide impugned order dated 03.02.2025 passed by the learned Single Judge.

5. It is claimed that the respondent no.1 is a part of an extortion racket and either owns or is associated with around 21 other properties. It is stated that the appellant has sufficient reasons to believe that the police personnel of the Police Station, Jamia Nagar are supporting respondent no.1 by not registering any FIR against her even on the complaint of the appellant. Therefore, he prays for a direction from this Court to initiate an inquiry into the offence of perjury committed by respondent no.1 in the underlying writ petition.

6. As per the appellant, the learned Single Judge had, vide order dated 04.04.2024, granted liberty to the appellant to approach the police authorities in case the appellant was of the view that the respondent no.1 had filed forged and fake documents alongwith the writ petition. He states that if a party encloses or annexes forged and fabricated documents alongwith its pleadings, the person competent to maintain and institute a complaint thereagainst could only be the officer before whom such documents are placed. In other words, the appellant in person submits that he would not have the requisite locus standi to institute a criminal complaint in that regard. It is on this basis that the appellant claims to have filed the review petition which was dismissed vide the impugned order.

7. Alternatively, the appellant in person also contends that the concept of locus standi in criminal jurisprudence is unheard of as held in A.R. Antulay vs. Ramdass Srinivas Nayak Anr., 1984 (2) SCC 5 and as such, ordinarily, his complaint ought to have been entertained by the police authorities. However, in view of the fact that the said allegation of fake and forged documents pertained to those documents which were filed in a Court of law, under Section 340 read with Section 195 of Code of Criminal Procedure, 1973, it would be the Presiding Officer of the concerned Court who alone would have the necessary authority, jurisdiction and locus to institute a criminal complaint. Thus, the appellant claimed that he had no choice other than to prefer a review petition before the learned Single Judge, which was dismissed on erroneous grounds.

8. It is further submitted that perjury is a serious offence and the Courts have time and again taken cognizance of such motivated falsehood and directed initiation of criminal proceedings against the offenders trying to misuse the process of law. Reliance is placed on the judgements in Mohan Singh vs. Amar Singh Through The Lrs., AIR 1999 SC 482 and Mahila Vinod Kumari vs. State of M.P.,

(2008) 8 SCC 34.

9. We have heard the appellant who appeared in person and also perused the impugned order dated 03.02.2025 passed by the learned Single Judge in Review Petition 205/2024 in W.P.(C) 11706/2023.

10. On a query by this Court as to in what manner the respondent no.1/petitioner had relied upon the alleged forged and fake documents in support of her case, the appellant stated that the respondent no.1/petitioner had claimed to have paid substantial amounts under the so called receipts and Agreement to Sell to the seller, however the respondent no.1/petitioner is a lady who does not possess those means. The record reveals that the respondent no.1/petitioner had filed the underlying writ petition seeking appropriate action against the unauthorised construction and encroachment on a property upon which she claimed precious rights. In order to substantiate her claim, she relied upon certain receipts showing part consideration having been tendered as also an Agreement to Sell executed between her and some of the private respondents. On the said basis, the learned Single Judge vide order dated 04.09.2023, after recording that MCD had inspected the premises; issued Work Stop Order and proposed to issue a show cause notice, disposed of the writ petition. Liberty was also granted to respondent no.1/petitioner to approach the Special Task Force (STF) in case of further grievances. We also note that the learned Single Judge in the impugned order had noted that the appellant has no connection whatsoever with the property in question and his application seeking impleadment twice were rejected vide orders dated 07.11.2023 and 04.04.2024. The review petition filed by the appellant seems to be a re- agitation of the same issues raised in the applications seeking impleadment.

11. Even before this Court, the appellant was unable to substantiate his interest in the said subject property and appears to be a total stranger. That apart, in case the said documents were forged and fabricated, there was no impediment or an obstacle precluding the original respondents in the underlying writ petition to have objected to the same or escalate their grievances by filing an appropriate application under the Code of Criminal Procedure, 1973 (erstwhile). It appears that no such steps were taken by the persons who may have actual grievance against the respondent no.1/petitioner. We are unable to appreciate the submission made by the appellant as to his interest in the subject property.

12. It is correct that in case of perjury under Section 340 read with Section 195 of the Cr.P.C., 1973, the Presiding Officer of the Court in which such perjury has been committed, would be the competent authority to file a written complaint with the concerned police station for invocation of criminal jurisprudence. It is apparent that the learned Single Judge did not find any such reason after judicially examining the material on record. We too have not found any reason, much less a cogent reason to differ from the view taken by the learned Single Judge and find the present appeal unmerited.

13. From a perusal of the impugned judgement, we also find that the learned Single Judge had noted the submission of the respondent no.1/petitioner that she had lodged 2 FIRs against the appellant. No contrary argument or submission disputing the submission regarding registration of FIRs

appears from the perusal of the impugned judgement. It is well nigh possible that the appellant bears a grudge against the respondent no.1/petitioner and is attempting to grind his axe by seeking, (i) impleadment in the underlying writ petition which failed twice and (ii) by filing the review petition which too failed by way of the impugned judgement.

14. For this reason too, we are not inclined to interfere with the well reasoned judgement passed by the learned Single Judge. Accordingly, the appeal is dismissed, alongwith the pending application. However, without any order as to costs.

TUSHAR RAO GEDELA, J DEVENDRA KUMAR UPADHYAYA, CJ MARCH 27, 2025/rl