IN THE COURT OF SH AKBAR SIDDIQUE,
DISTRICT JUDGE 04, NORTH DISTRICT
ROHINI COURTS: DELHI

MISC DJ 955/23
Smt. Geeta Kansal

W/o Sh. Dheeraj Kansal

R/o A-3/64, Sec-17, Rohini, Delhi,

...........Petitioner

Versus

Mr. Amit Chopra

S/o Sh. Om Prakash Chopra

F-4/133, Sec-16, Rohini, Delhi

..... Respondent

ORDER/06.07.2026

1. Vide the present Order, I shall dispose of the application, under Section 340 Code of Criminal Procedure, 1973, (Hereinafter referred to as Cr.P.C), filed by Defendant/Applicant against the Plaintiff/Non-applicant for committing perjury.
2. The present application has been filed by the Defendant/Applicant seeking following prayers:

   It is, therefore most respectfully prayed that the Hon'ble Court may kindly be pleased to pass appropriate orders for prosecution of the Plaintiff for perjury in respect of willful wrong statements made before this Hon'ble Court by holding an inquiry in the matter, to record a finding to that effect, contemplated under Section 340 C.r.P.C, that it is expedient in the interest of justice that a complaint should be made into an offence of giving false statement, deposing falsely under the said provision.

3. CASE OF THE APPLICANT/DEFENDANT

3.1. It is the case of applicant/Defendant that the Plaintiff/non-applicant has intentionally and deliberately made wrong statement on oath by deposing falsely that the Agreement to Sell relied upon by Plaintiff in the plaint are genuine while from the bare perusal of the Agreement to Sell dated 25.09.2020 and 03.10.2020 produced on record, it is clear from the naked eye that Plaintiff/non-applicant is guilty of the willful offences of cheating, forgery and fabrication/manipulation of the Originals of the Agreement to Sell dated 25.09.2020 & 03.10.2020 inasmuch as the plaintiff inserted few lines on the first page (stamp paper) of both the Agreements with malafide intent to cheat and defraud the Applicant/Defendant.

3.2. It is relevant to state that by relying upon the forged and fabricated documents filed the present suit, the plaintiff has not only committed perjury, forgery the willful offence and fabrication of the original documents with an intention to use the forged documents be genuine inasmuch as perjury, forgery and fabrication on the part of the Plaintiff is clear from the naked eye inasmuch as, photocopies of both the Agreements (which were handed over by the plaintiff to the defendant) and being filed herewith would clearly go to establish that there is not even a single word on First Page (Stamp Paper) except signatures of both the parties while the Agreements relied upon by the Plaintiff contain forged and the fabricated lines got typed by the plaintiff subsequently i.e. "Rs.2,00,000/- received cash from Geeta Kansal on 25.09.2020" on the Agreement to sell dated 25.09.2020 and two lines i.e. "Rs.2,00,000/- already received cash vide Agreement on 03.10.2020 Total amount received Rs. 4,00,000/- only till 3 Agreement to sell dated 03.10.2020.

3.3. It is further the case of the Applicant/Defendant that had there been any insertion at the time of execution of the agreements, would be certainly on photocopies of both the agreements provided by the Plaintiff to the defendant and further there would be a mention of ₹ 18,65,000/- in such the Agreement to Sell dated 03.10.2020 being the balance sale consideration instead of ₹ 20,65,000/-, which clearly go to establish and prove that the Plaintiff has played a calculated fraud, cheating mischief, by forging the original papers for which she is liable to be prosecuted and punished for the said willful provided under as offences Indian Penal Code and the defendant has already lodged a complaint with the Police for taking action against the plaintiff

3.4. It is further the case of Applicant/Defendant that it is apparent that the plaintiff has made a wrong statement on oath and filed forged and fabricated documents in support thereof with the sole intention to obtain the favorable order for which she is otherwise not entitled to. Ergo, the plaintiff as such is liable to be prosecuted and punished for the said offence of willful perjury and further the matter is be referred the Hon'ble Court of Metropolitan Magistrate concerned initiating appropriate proceedings against the Plaintiff and/or in the alternative to seek permission from the Hon'ble High Court for filing criminal complaint Suo moto by this Hon'ble Court against the plaintiff for committing an offence of perjury intentionally and deliberately.

4. *ANALYSIS & CONCLUSION*

4.1. I have heard the Ld. Counsel for the parties perused the material on record.

4.2. Section 195 of the Cr.P.C. provides for the power to take cognizance of the offence of perjury in relation to contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence. Section 340 of the Cr.P.C. empowers the court to file a complaint for perjury, if it considers such action necessary in the interest of justice.

4.3. The present application is filed under Section 340 CrPC. The Section 340 CrPC is the cynosure of the present application. Before adverting further, it is apposite to refer to Section 340 CrPC, which is reproduced hereinbelow:

> *"340. Procedure in cases mentioned in section 195. (1) When, upon an application made to it in this behalf or otherwise, any Court is of opinion that it is expedient in the interests of Justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary,— (a) record a finding to that effect; (b) make a complaint thereof in writing; (c) send it to a Magistrate of the first class having jurisdiction; (d) take sufficient security for the appearance of the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate; and (e) bind over any person to appear and give evidence before such Magistrate.*
>
> *(2) The power conferred on a Court by sub-section (1) in respect of an offence may, in any case where that Court has neither made a complaint under sub-section (1) in respect of that offence nor rejected an application for the making of such*

complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub-section (4) of section 195.
(3) A complaint made under this section shall be signed,— (a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint; (b) in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorise in writing in this behalf.
(4) In this section, "Court" has the same meaning as in section 195."

4.4. I have the profit of referring to the judgment of Hon'ble Supreme Court in ***Iqbal Singh Marwah & Anr. v. Meenakshi Marwah & Anr., (2005) 4 SCC 370***, observed the scope of Section 195 and 340 of the Cr.P.C. as under:

> *"23. In view of the language used in Section 340 Cr.P.C. the Court is not bound to make a complaint regarding commission of an offence referred to in Section 195(1)(b), as the Section is conditioned by the words "Court is of opinion that it is expedient in the interest of justice." This shows that such a course will be adopted only if the interest of justice requires and not in every case. Before filing of the complaint, the Court may hold a preliminary enquiry and record a finding to the effect that it is expedient in the interests of justice that enquiry should be made into any of the offences referred to in Section 195(i)(b). This expediency will normally be judged by the Court by weighing not the magnitude of injury suffered by the person affected by such forgery or forged document, but having regard to the effect or impact, such commission of offence has upon administration of justice. It is possible that such forged document or forgery may cause a very serious or substantial injury to a person in the sense that it may deprive him of a very valuable property or status or the like, but such document may be just a piece of evidence produced or given in evidence in Court, where voluminous evidence may have been adduced and the effect of such piece of evidence on the broad*

concept of administration of justice may be minimal. In such circumstances, the Court may not consider it expedient in the interest of justice to make a complaint. The broad view of clause (b)(ii), as canvassed by learned counsel for the appellants, would render the victim of such forgery or forged document remediless. Any interpretation which leads to a situation where a victim of a crime is rendered remediless, has to be discarded."

24. There is another consideration which has to be kept in mind. Sub- section (1) of Section 340 Cr.P.C. contemplates holding of a preliminary enquiry. Normally, a direction for filing of a complaint is not made during the pendency of the proceeding before the Court and this is done at the stage when the proceeding is concluded and the final judgment is rendered."

4.5. Recently, in ***Narender Kumar Srivastava v. State of Bihar & Ors., (2019) 3 SCC 318***, the Hon'ble Supreme Court has held as under:

"18. This Court in Chajoo Ram v. Radhey Shyam [Chajoo Ram v. Radhey Shyam, (1971) 1 SCC 774 : 1971 SCC (Cri) 331] , held that the prosecution under Section 195 CrPC could be initiated only by the sanction of the court and only if the same appears to be deliberate and conscious. It emphatically held as under:

"7. The prosecution for perjury should be sanctioned by courts only in those cases where the perjury appears to be deliberate and conscious and the conviction is reasonably probable or likely. No doubt giving of false evidence and filing false affidavits is an evil which must be effectively curbed with a strong hand but to start prosecution for perjury too readily and too frequently without due care and caution and on inconclusive and doubtful material defeats its very purpose. Prosecution should be ordered when it is considered expedient in the interests of justice to punish the delinquent and not merely because there is some inaccuracy in the statement which may be innocent or immaterial. There must be prima facie case of deliberate falsehood on a matter of

substance and the court should be satisfied that there is reasonable foundation for the charge."

4.6. The Hon'ble High Court of Delhi in ***Sh. Ashish Singh Versus Pushpa Singh***, 322 (DLT) 2025, 664, the Hon'ble High Court held as follows:

> 32. Based on the principles established by the Hon'ble Supreme Court in various decisions, some of which are referenced above, the following conclusions can be drawn:
> A. Before lodging a complaint under Section 195 of the Cr.P.C., ***the court must determine whether a party has intentionally provided a false statement or fabricated evidence during judicial proceedings, which has impacted the administration of justice.***
> B. ***The decision to initiate an inquiry into false evidence is the judicial discretion of the court, which must consider whether it is expedient and in the interests of justice. A preliminary inquiry is not always necessary and the court can proceed without it if sufficient information is available to form an opinion.***
> C. ***Even if a prima facie case of an offence is established, the court must assess whether filing a complaint is expedient in the interest of justice. This assessment focuses on the impact of the alleged offence on the administration of justice rather than the extent of injury suffered by the affected party.***
> D. ***Generally, directions for filing a complaint are issued after the conclusion of proceedings and the rendering of a final judgment.***

4.7. *Coming to the case in hand*, the present application has been filed by the Defendant/Applicant on the basis of two agreement to sell admittedly executed between the parties. It is the case of applicant that there has been interpolation regarding the admission of receiving of ₹4,00,000/- made at the first page of the document, by the Defendant. Further, it is the case of the Defendant/Applicant that the said endorsement was never in the original document, thus, the changes were deliberately made by the Plaintiff to get the favorable order from this court.

4.8. A perusal of Section 340 of the Cr.P.C. reproduced above shows that a Court is empowered to initiate an inquiry into specific offences mentioned in Section 195(1)(b), which appears to have been committed in or in relation to a proceeding in “that Court” itself or concerning documents or evidence presented in a proceeding in “that Court” itself. Further, it empowers this Court to initiate such an inquiry, in case no action is taken by “that Court”, the subordinate court. Further, it is settled that the court is not bound to make a complaint regarding commission of offence and the said course will be adopted only if the court is of the opinion that it is expedient in the interests of justice to do so and not in every case.

4.9. I am of the view, that the Defendant has assiduously argued that the changes in the agreement to sell filed by the Plainitff was never made in the original document, thus, the documents are false and fabricated, that the Defendant has failed to bring on record single evidence to show that the documents are forged. Despite the challenging the authenticity of the documents, the applicant/Defendant did not take any steps to get the forensic examination of the documents, ergo, in view of no evidence on record brought in by the applicant/Defendant to show that the documents are forged and fabricated, the present application filed by the Defendant is sans merits.

4.10. I am also of the humble opinion that the perjury proceedings are serious in nature and entail a punishment of imprisonment as well as fine and cannot be initiated in a casual and routine manner.

5. CONCLUSION

5.1. In light of the above findings, I am of the view that the allegations made by the applicant/Defendant in the present application lack sufficient merit. The applicant/Defendant has not been able to show that the Plaintiff has acted with malafides with an intention to affect the administration of justice.

5.2. The application is dismissed of with aforesaid observations

Announced in open
Court on 06.07.2026

(Akbar Siddique)
DJ-04, North, Rohini Courts,
Delhi/ 06.07.2026

AKBAR SIDDIQUE
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Date: 2026.07.06 16:29:17 +0530