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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6112/2020
MASTER EKLAVYA KOCHHAR AND ORSPetitioners
Through: Counsel (appearance not given).

versus

BAL BHARATI PUBLIC SCHOOL & ORSRespondents
Through: Mr. Kamal Gupta, Ms. Tripti Gupta,
Mr. Sparsh Aggarwal, Ms. Madhvlika
Singh and Ms. Sebrina Singh,
Advocates.
Dr. S.S. Hooda and Ms. Rashmit
Rawat, Advocates for CAG.
Ms. Shobhana Takiar, Standing
Counsel for DDA with Mr. Shivam
Takiar, Mr. Prateek Dhir and Mr.
Kuljeet Singh, Advocates.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **04.09.2025**

CM APPL. 55932/2025

By way of the present application filed under section 151 of the Code of Civil Procedure 1908 read with section 215 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners/applicants seek 'permission/sanction' to initiate prosecution against respondents No. 1, 2 and 3, being Bal Bharati Public School, Rohini, Child Education Society and Govt. Of NCT of Delhi for furnishing false affidavits in this court.

2. Before proceeding further in the matter, learned counsel appearing for the applicants is directed to address this court as to how the present



application is maintainable in light of the law laid down by the Supreme Court in *Iqbal Singh Marwah & Anr. Vs. Meenakshi Marwah & Anr.*¹

3. Counsel also submits, that in the meantime, they have filed a criminal complaint before the court of learned Judicial Magistrate First Class (North) Rohini Courts, Delhi bearing Ct. Cases No. 1447/2024, in which case the learned Magistrate has issued a court notice to the proposed accused No.3 (Director of Education ('DoE')) to appear in-person before that court; and has placed the matter for arguments next on 12.09.2025.
4. The essence of the submissions made on behalf of the applicants, is that in certain affidavits filed in the present proceedings, pending before this court, the Principal of the School, the Chairman of the Society that has established the school, and the DoE have made certain false averments.
5. In the circumstances, it is evident that the applicants' position is that *before* the truth or falsity of what has been stated in the affidavits filed by the aforesaid parties is ascertained in this court, during the course of proceedings pending before it, the Magistrate must initiate proceedings for *perjury* in complaint case bearing No. 1447/2024.
6. On a *prima-facie* view of the matter, further proceedings in complaint case bearing Ct. Cases No. 1447/2024 shall remain *stayed*, till the next date of hearing before this court.

¹ (2005) 4 SCC 370



7. Learned counsel appearing for the applicants is directed to address the aforesaid query on the next date of hearing.
8. For the above purpose, re-notify on 23rd September 2025.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 4, 2025

V.Rawat