



2025:DHC:1629



\$~41

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of decision: 25th February, 2025*+ **CRL.REV.P.(MAT.) 5/2025**

SUBHASH KUMAR SINGH

S/o Late Jagnarayan SinghPetitioner

Through: Mr. Tej Pratap, Advocate.

versus

1. THE STATE (GOVT. OF NCT OF DEL
Through SHO, PS Madhu Vihar,
Delhi-110092Respondent No.1
2. MS. JYOTI SINGH ALIAS JYOTI TIWARI
D/o S.N. Tiwari ...Respondent No. 2
3. AAYAN PRATAP SINGH/AAYANSH PRATAP
S/o Subhash Kumar Singh ...Respondent No. 3
Through: Ms. Meenakshi Dahiya, APP for the
State.

CORAM:**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)****CRL.M.A.6062/2025 (Exemption)**

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

CRL.M.A. 6061/2025 (under Section 379 of BNSS)

3. An Application under Section 379 of the Bharatiya Nagarik Suraksha



Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) (Section 340 of the Code of Criminal Procedure, 1973) (*hereinafter referred to as 'Cr.P.C.'*) has been filed on behalf of the Respondent No. 2, Ms. Jyoti Singh @ Jyoti Tiwari against the Petitioner for the act of *Perjury* under Section 227/228/229 of Bharatiya Nyaya Sanhita (BNS), 2023 (*Section 191, 192, 193 of the Indian Penal Code, 1860*).

4. It is submitted in the Application that the Petitioner had made a false Statement on Oath in Paragraph No. M at Page No. 27 of the CrI.Rev.Pet. (MAT) No. 5/2025, titled *Satish Kumar Singh vs. The State (Govt of NCT of Delhi) & Ors.*, filed before this Court. It was stated that the learned Family Court has not considered that he has dependent parents to look after and also a sister, who has bad health and he has to spend a good amount of money. The Petition is supported along with an Affidavit of the Petitioner.

5. It is asserted that the mother of the Petitioner had died on 10.07.2013 and father had died on 08.01.2019 despite which false averments have been made in the Revision Petition with the sole intent of misleading the Court while considering the amount of maintenance to be granted to the Respondent.

6. It is further submitted that this is not an isolated or one-off attempt to conceal the material facts to seek a relief in a manner intended, by overreaching this Court. It is a deliberate pattern of conduct designed to subvert the judicial proceedings. In a previously filed Complaint Case No. 6016/2022 before the Court at Ranchi, Jharkhand and in Writ Petition bearing W.P.(CrI) No. 58/2023 and W.P.(CrI) No. 696/2024 before the High Court of Jharkhand, an attempt to implicate the Respondent No. 2 and her



family members in false and frivolous criminal litigations, have failed. Complaint Case No. 6016/2022 was quashed by the Hon'ble Jharkhand High Court *vide* Order dated 24.07.2023 and the two Writ Petitions bearing W.P. (Crl) No. 58/2023 and W.P.(Crl) No. 696/2024, have been dismissed *vide* Order dated 06.12.2024. Further permission had been granted to the Respondent No. 2, to initiate the appropriate proceedings against the Petitioner for using derogatory and scandalous remarks *vide* Order dated 13.12.2024 in Cr. MP No. 3560/2023, in the Revision filed by the Respondent No. 2.

7. It is claimed that the Petitioner in order to harass the Respondent No. 2 and her parents, has been filing false and frivolous cases with concocted stories before various Authorities as is manifested from the litigations, which was the subject matter of the present Petitions before the Hon'ble Jharkhand High Court.

8. In continuation of his design, false Statements have been made in the Revision Petition of his parents being dependent when in fact the mother had died on 10.07.2013 and the father had died on 08.01.2019. It is only done with clear intention to mislead the Court and get the relief. The Petitioner has been doing Forum Shopping and attempted to choose Courts or jurisdictions that were perceived by him to be favourable to his interest. Regardless of the actual merits of the case, it is submitted that the action under Section 379 of the B.N.S.S. for perjury, be initiated against the Petitioner.

9. **Submissions heard and the record perused.**

10. It is pertinent to observe that this is one of the many litigations



ongoing between the Petitioner/husband and the Respondent No. 2/wife. Their matrimonial relationship has gone sour and has manifested itself in multiple litigations initiated by both the parties.

11. The learned Judge, Family Court had granted maintenance under Section 125 of Cr.P.C. *vide ex-parte* Judgment dated 01.03.2024 in the sum of Rs.30,000/- per month to the daughter while declining the maintenance to the Respondent No. 2. Thereafter, the present Revision Petition was filed by the Petitioner/husband, to challenge the Order dated 01.03.2024. In this Revision Petition, it was mentioned by him in the grounds of challenge in Paragraph (M) that his parents are dependent and in addition, he spends a lot of money on his ailing sister.

12. The perusal of the Revision Petition shows that though in Paragraph (M), it has been stated by the Petitioner that his parents are dependent upon him, but it is not denied that the mother and father had expired in 2013 and 2019 respectively, to the knowledge of the Respondent No. 2. The Memo of Parties in the Revision Petition as well as the supporting Affidavit, indicates the name of father as “**Late** Jagnarayan Singh” thereby indicating that the submissions made in Paragraph (M), was due to inadvertence. There can be no intent to mislead the Court or to get a favourable Order in his favour.

13. It is also pertinent to observe that the Revision Petition has been withdrawn by the Petitioner. It is on record that no undue benefit has been drawn by the Petitioner. Moreover, the initiation of Perjury proceedings under Section 379 of B.N.S.S., is in extreme circumstances where there has been an intentional false statement made to mislead the Court or to get undue benefit. *In the present case*, none of these circumstances have been



2025:DHC:1629



established and the proceedings under Section 379 of B.N.S.S., cannot be used to settle personal vendetta between the parties.

14. There is no merit in the present Application, which is hereby dismissed.

15. The Application is disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 25, 2025/RS