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

Reserved on: 4th August, 2025
Pronounced on: 17th September, 2025

\+ CRL.M.C. 1025/2012

RAMESH CHAWLA .....Petitioner

Through: Mr. Sameer Chandra, Mr. Eahool Zia, Advocates with Petitioner in person

versus

STATE & ANR .....Respondents

Through: Mr. Hemant Mehla, APP for the State with ACP Suraj Bhan, SI Akansh Sharma, PS Model Town

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CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

1. The Petitioner, Ramesh Chawla, has invoked the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973[1] (corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita,

2023[2]) assailing orders dated 1st October, 2010[3] and 29th October, 2011[4] passed by the Sessions Court, Rohini.[5] These orders emanate from separate revision petitions preferred by both Gurmeet Singh, then SHO of P.S. Model Town and SI Suraj Bhan against the common order dated 6th May, 2010 passed by the Metropolitan Magistrate in CC No. 5112/2006, whereby they were summoned to face trial for offences punishable under Sections 182, 211 and 120B of the Indian Penal Code, 1860.[6] The Sessions Court allowed their challenge and set aside the summoning order.

FACTUAL MATRIX

2. On a complaint lodged by Rajeev Arora, FIR No. 115/2001 dated 5th March, 2001 was registered under Sections 506/34 of IPC read with Sections 27/54/59 of the Arms Act, 1959 at P.S. Model Town. He alleged that on 28th February, 2001 at about 11:45 PM, while he was driving near Sadar Bazar Colony, G.T. Karnal Road, Ashok Vihar, Delhi, he was chased by the Petitioner, Ramesh Chawla, and another individual in a car bearing registration No. HR26E3703. It was further alleged that during the chase, the Petitioner and his companion brandished a revolver and made threatening gestures.

3. The complaint was investigated by the police, who concluded that the allegations were false. It was revealed that there existed long-standing enmity and prior litigation between the Rajeev Arora and the Petitioner. The investigation further disclosed that at the relevant time of the alleged incident, the Petitioner was present in the office of A.G.P. Raghubir Singh, Crime Branch. Since no cognizable offence was made out, the Crime Branch

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[1] "Cr.P.C"
[2] "BNSS"
[3] in Criminal Revision No. 370/2010
[4] in Criminal Revision No. 31/2010
[5] collectively, "the impugned orders"

filed a cancellation report before the Magistrate and sought permission to prosecute Rajeev Arora for furnishing false information under Section 182 of IPC. By order dated 13th February, 2002, the Magistrate accepted the cancellation report, directed the closure of FIR No. 115/2001 and granted permission to initiate prosecution against Rajeev Arora under Section 182 of IPC.

4. Pursuant thereto, the police filed a Kalandra against Rajeev Arora before the Magistrate and he was summoned to face trial for an offence under Section of 182 IPC. The proceedings are presently pending before the Court of the ACMM, Rohini, Delhi.

5. Thereafter, the Petitioner instituted Complaint Case No. 5112/2006 against Rajeev Arora, Gurmeet Singh (then SHO, P.S. Model Town) and SI Suraj Bhan, alleging that the false implication in the aforesaid FIR was the outcome of their connivance. It was further alleged that the police officials had fabricated the tehrir and issued threats to the Petitioner. Upon recording pre-summoning evidence, the Metropolitan Magistrate, by order dated 6th May, 2010, summoned Gurmeet Singh and Suraj Bhan to face trial for offences punishable under Sections 182, 211 and 120B IPC.

6. In revision, the summoning order was set aside by the impugned orders. Though the reasoning is distinct in both the impugned orders, Sessions Court has concluded that sanction under Section 140 of the Delhi Police Act, 1978[7] as well as Sections 195 and 197 of Cr.P.C, was a mandatory requirement for prosecuting public servants and therefore, the summoning order was set aside.

7. Aggrieved, the Petitioner has now approached this Court, arguing that the Sessions Court has erred in law by quashing the summoning order.

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[6] "IPC"

ARGUMENTS ADVANCED

8. By order dated 14th September, 2022, this Court appointed Mr. Sameer Chandra as *amicus curiae*. Supporting the Petitioner's case, he submitted that no prior sanction under Sections 195 or 197 of Cr.P.C or under Section 140 of the DP Act was required for prosecuting SHO Gurmeet Singh and SI Suraj Bhan. The Petitioner, in conjunction with Mr. Chandra, advanced the following submissions:

8.1. Rajeev Arora bore longstanding hostility towards the Petitioner and had, in the past, lodged two false FIRs against him: FIR No. 774/2000 dated 27th December, 2000 under Sections 457/511 of IPC and FIR No. 115/2001 dated 5th March, 2001 both at P.S. Model Town. These FIRs are retaliatory measures in response to the Petitioner's earlier complaints against Rajeev Arora and his relatives.

8.2. On 1st March, 2001, pursuant to a complaint lodged by Rajeev Arora, the Petitioner received a call from P.S. Model Town requiring him to explain his whereabouts on 28th February, 2001. The Petitioner clarified that he had been present in the office of ACP, Crime Cell (North), Bara Hindu Rao, between 11:00 AM and 2:40 PM in connection with FIR No. 271/2001 registered at P.S. Sadar Bazar. When questioned about car No. HR26E3703, he stated he had no knowledge of it. Anticipating false implication, the Petitioner avoided visiting the police station. Later the same day, he received another call from SI Suraj Bhan directing him to appear at 5:30 PM. Apprehending arrest, the Petitioner sought anticipatory bail and the Court directed that seven days' prior notice be served before any arrest. He also lodged complaints with senior police officials highlighting his apprehension of false implication.

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[7] "the DP Act"

8.3. On 4th March, 2001, the Petitioner was served with a notice under Section 160 of Cr.P.C requiring his appearance at P.S. Model Town. He complied and reached the police station at 2:00 PM with supporting documents, but neither SI Suraj Bhan nor SHO Gurmeet Singh was present. He marked his attendance with the Duty Officer and left. That evening, around 8:30 PM, he again received a call directing him to appear the following morning. On 5th March, 2001, he reported to P.S. Model Town at 9:00 AM, where his presence on 28th February, 2001 in the District Crime Cell office was verified and confirmed by the concerned officials. Despite this, SI Suraj Bhan allegedly threatened him with false implication unless he compromised with Rajeev Arora. Later that day, FIR No. 115/2001 was registered. Though the FIR was shown to have been lodged at 2:00 PM, the Petitioner pointed out that he was present at the police station from 2:15 PM to 3:00 PM, during which period no FIR had in fact been recorded. The tehrir bore visible alterations in the time entry and a contradictory daily diary entry stated that the Petitioner had not furnished any documents, even though he had submitted them at 2:15 PM to the reader of SHO Gurmeet Singh. These discrepancies revealed fabrication of documents undertaken to falsely implicate the Petitioner.

8.4. SHO Gurmeet Singh had been in direct contact with Rajeev Arora even before the registration of the FIR. Both SHO Gurmeet Singh and SI Suraj Bhan exerted repeated pressure on the Petitioner to compromise with Rajeev Arora. Notwithstanding the documents he had produced to establish his whereabouts, the Petitioner was subjected to continued harassment and compelled to make repeated appearances at the police station.

8.5. The bar of sanction under Sections 195 or 197 Cr.P.C or under Section 140 of the DP Act was inapplicable. The alleged acts of fabricating

the tehrir, altering its timing and coercing the Petitioner to compromise could not, by any stretch of interpretation, be treated as acts done in the discharge of official duty.

8.6. Section 195 Cr.P.C has no applicability to the facts of the present case. The statutory bar contained therein is confined to situations where the alleged forgery or related offence is committed in respect of a document forming part of judicial proceedings. Acts of fabrication committed outside the course of such proceedings, or prior to the production of a document before a Court, do not attract the embargo under Section 195. Reliance was placed on the decision of the Supreme Court in ***Iqbal Singh Marwah v. Meenakshi Marwah and Anr.***,[8] wherein it was held that Section 195(1)(b)(ii) Cr.P.C applies only when the offence is committed with respect to a document after it has been produced or tendered in evidence before a Court, i.e., during the period when the document is in *custodia legis*. Fabrication or falsification of documents at any stage prior thereto is open to prosecution without the requirement of a complaint by the concerned Court. Accordingly, the bar under Section 195 cannot be invoked in the present matter.

8.7. Similarly, Section 197 Cr.P.C is also inapplicable to the present case. The provision contemplates acts committed "*while acting or purporting to act in the discharge of official duty*" or "*in relation to any proceedings in Court*." In the present case, no proceedings were pending before a Court at the relevant time and implicating an individual in a false case cannot be brought within the scope of official duty. The requirement of sanction is not to be examined at the threshold of cognizance but at the stage of trial. In ***Raj***

[8] 2005 (4) SCC 370

Kishor Roy v. Kamleshwar Pandey[9] the Supreme Court held that the necessity of sanction under Section 197 is a matter for determination during trial, and if found essential, sanction can be obtained at that stage. Here, the Crime Branch itself found the complaint against the Petitioner to be false. The SHO was in prior contact with Rajeev Arora, threats were extended to secure a compromise and the tehrir was tampered with to alter the timing of the alleged incident, despite the Petitioner having proved his presence at the ACP's office at the relevant time. These disputed actions are plainly outside the protective ambit of Section 197 Cr.P.C.

8.8. The Revisional Court has erred in its computation of the limitation period. Even assuming, without admitting, that Sections 195 and 197 of Cr.P.C as well as Section 140 of the DP Act were applicable, the complaint was nonetheless filed within the prescribed period of limitation. The cause of action arose on 13th February, 2002 when the Magistrate accepted the cancellation report of FIR No. 115/2001 and directed prosecution of Rajeev Arora under Section 182 of IPC. The Petitioner gained knowledge of the order on 18th March, 2002, applied for a certified copy the following day, and received it on 27th March, 2002. The elapsed period from 13th February, 2002 to the filing date was 65 days. Since the limitation prescribed is three months under Section 140 of the DP Act, six months for an offence under Section 182 of IPC and two years for an offence under Section 211 of IPC, the complaint instituted on 30th April, 2002 was well within time. After recording of Petitioner's evidence, the judicial record in CC No. 5112/2006 was inexplicably misplaced, causing an extraordinary delay of nearly six years in reconstructing the file. Only thereafter could the pre-summoning evidence be recorded afresh. This loss of record, being both prolonged and

[9] 2002 (6) SCC 543

unexplained, is of considerable significance and must weigh in the consideration of the present case.

9. *Per contra*, counsel representing the State as well as the police officials, while supporting the impugned orders, contended as follows:

9.1. Section 140 of the DP Act places a clear statutory bar on prosecutions against police officers if instituted beyond three months from the date of the act complained of. In the present case, the alleged incident occurred on 5th March, 2001, whereas the Petitioner's complaint was filed only on 30th April, 2002. By then, the prescribed three-month period had lapsed, and the Magistrate was therefore barred from taking cognizance. Although Section 140 of the DP Act permits institution of proceedings within one year from the date of offence, such prosecution can only be initiated with prior sanction of the Administrator under the Act. In the instant matter, it is undisputed that no such sanction was ever obtained, rendering the proceedings legally untenable.

9.2. Apart from the bar under Section 140 of the DP Act, sanction under Section 197 Cr.P.C was independently mandatory since the allegations are directed against public servants in respect of acts connected with the discharge of their official functions. Reliance was placed on the decision of the Supreme Court in ***State of Maharashtra v. Budhikota Subbarao***,[10] wherein it was categorically observed that the sanction requirement is not a mere procedural formality, but an absolute and complete bar against Courts taking cognizance in the absence of such sanction. The underlying rationale, as reiterated in several precedents, is to strike a balance between enabling accountability of public servants and at the same time protecting them from malicious or motivated prosecution that could otherwise paralyse effective

[10] 1993 SCC (2) 567

discharge of official functions.

9.3. Further, as per Section 195 Cr.P.C cognizance could only have been taken upon a complaint filed by the concerned Court and not on the basis of a private complaint. A private individual has no locus to prosecute public servants for offences falling within the ambit of Section 195. In any case, the permission granted by the Magistrate to proceed under Section 182 of IPC was confined solely to Rajeev Arora. No such sanction or authorisation was granted against SHO Gurmeet Singh or SI Suraj Bhan and in its absence, the Magistrate lacked jurisdiction to take cognizance or to summon them.

ANALYSIS

10. The contours of Section 482 Cr.P.C (now Section 528 of BNSS) against an order passed in revision are well delineated: interference is warranted only where the order under challenge suffers from patent illegality, perversity or a manifest non-application of mind or where intervention is necessary to prevent abuse of process and to secure the ends of justice. Unless the impugned order results in palpable injustice or causes a miscarriage of justice, this extraordinary jurisdiction is not to be exercised as if sitting in appeal.

11. The impugned orders are firmly anchored in the framework of Section 195 of Cr.P.C. Section 195(1)(a)(i) prohibits cognizance of offences under Sections 172 to 188 of IPC save upon a complaint by the public servant concerned or his superior. Similarly, Section 195(1)(b)(i) bars cognizance of an offence under Section 211 of IPC except upon a complaint by the Court or by an authorized officer of the Court or by a superior Court in relation to which such offence is alleged. The rationale of this provision is to ensure that offences against lawful authority and public justice are not prosecuted at

the instance of private individuals driven by personal grievance.[11]

12. The Petitioner's reliance on ***Iqbal Singh Marwah*** is misplaced. That decision clarified that Section 195(1)(b)(ii) applies only when forgery is committed after a document is *custodia legis*. The present case, however, involves Sections 182 and 211 of IPC, which fall within Section 195(1)(a)(i) and (b)(i) of Cr.P.C, respectively. The Supreme Court in ***Bandekar Brothers Pvt. Ltd. v. Prasad Vassudev Keni***[12] has emphasised that the bar under Section 195(1)(b)(i) applies specifically to offences against public justice, distinct from forgery cases under Section 195(1)(b)(ii) and therefore, the ratio of ***Iqbal Singh Marwah*** is not attracted.

13. It is correct that registration of a false FIR at the police station may not, by itself, amount to an offence "in relation to any proceeding in any Court" so as to trigger Section 195(1)(b)(i). However, even if the bar under Section 195 is considered to be inapplicable *qua* Section 211 of IPC, the complaint remains unsustainable owing to the protection afforded under Section 197 Cr.P.C and Section 140 of the DP Act.

14. Section 197 of Cr.P.C. creates a jurisdictional bar: no Court can take cognizance of an offence alleged against a public servant if it was committed "while acting or purporting to act in the discharge of his official duty" unless prior sanction is obtained. The protection under the legal framework is designed to shield officers from vexatious prosecutions.[13] The law in this regard is well-settled, sanction becomes mandatory if the alleged act bears a reasonable nexus with the official duty.[14] In ***P.K. Pradhan v. State of Sikkim,***[15] the Supreme Court clarified that even if the act exceeds

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[11] See also: ***Patel Laljibhai Somabhai v. State Of Gujarat***, AIR 1971 Supreme Court 1935
[12] AIR 2020 Supreme Court 4247
[13] ***Gauri Shankar Prasad v. State Of Bihar***, AIR 2000 Supreme Court 3517
[14] ***G.C. Manjunath and Others v. Seetaram***, 2025 INSC 439
[15] AIR 2001 Supreme Court 2547

what is strictly necessary for the discharge of duty remains covered. Likewise, in ***State of Orissa v. Ganesh Chandra Jew***,[16] it was held that sanction is a condition precedent where the alleged act is integrally connected with official functions.

15. Applying these principles, the preparation of the tehrir and the registration of an FIR are statutory obligations under Section 154 of Cr.P.C. They form the very core of police duty. Even if the Petitioner alleges manipulation or *mala fides*, the acts remain ones "purporting to be done" in discharge of official duty. Sanction was therefore indispensable and in its absence, the Magistrate lacked jurisdiction to summon the officers.

16. The bar is fortified by Section 140 of the DP Act which provides an additional shield to police officers. It prohibits institution of any prosecution against a police officer for acts done under colour of duty unless filed within three months of the act complained of, or within one year if preceded by sanction from the Administrator. In the present case, the complaint was instituted long after the expiry of three months from the date of the act complained of i.e. 5th March, 2001. Since, the complaint was filed beyond the period of three months and no sanction of the Administrator was obtained, on this ground alone, the Magistrate's cognizance is incompetent.

17. The bar of limitation under Cr.P.C provides yet another hurdle. Section 468(2)(b) Cr.P.C prescribes a one-year limitation for offences punishable up to one year, such as Section 182 of IPC. Here, cognizance was taken nearly 9 years after the alleged offence, with no application for condonation of delay under Section 473 of Cr.P.C. Thus, the proceedings were therefore, *ex facie* barred.

18. To crystallise these statutory safeguards, the following matrix

[16] AIR 2004 Supreme Court 2179

illustrates the interplay of Section 195 of Cr.P.C, Section 197 of Cr.P.C and Section 140 of the DP Act, alongside leading case law and their application to the present case:

Provision	**Offences/acts covered**	**Who may institute complaint**	**Time bar**	**Sanction requirement**	**Leading authorities (ratio)**	**Application in the present case**
Section 195(1)(a)(i) Cr.P.C	Offences under Sections 172-188 IPC	Complaint by the public servant concerned or by the police officer to whom he is administratively subordinate	General Cr.P.C limitation provided under Section 468	This provision requires filing of complaint by the public servant is mandatory	***Daulat Ram v. State of Punjab***, AIR 1962 Supreme Court 1206: complaint must be by instituted by the proper authority	Permission was granted only against Rajeev Arora, not against SHO/SI, thus, the Magistrate lacked jurisdiction to issue summons.
Section 195(1)(b)(i) Cr.P.C	Offences under Sections 193-196, 199-200, 205-211, 228 of IPC when committed "in, or in relation to, any court proceedings"	Complaint by the concerned Court or by such authorized officer of the concerned Court or of some Court to which that Court is subordinate	General Cr.P.C limitation provided under Section 468	Not a sanction provision; it requires complaint by the concerned Court required	***Iqbal Singh Marwah***: attracts only Section 195(1)(b)(ii) and applies only to forgery of documents that are *custodia legis*; ***Bandekar Brothers Pvt. Ltd.***: the ratio laid down in ***Iqbal Singh Marwah*** would only apply for cases falling under Section 195(1(b)(ii) of Cr.P.C and cannot be extended to cases governed by Section 195(1)(b)(i).	***Iqbal Singh Marwah*** is not attracted as the offences under Sections 182 and 211 IPC attract Section 195(1)(a)(i) and (1)(b)(i) of Cr.P.C; false FIR may not strictly qualify as "in relation to" court proceedings; even so, complaint fails on Section 197 and Section 140 DP Act.
Section 197 of Cr.P.C	Acts done "while acting or purporting to act in discharge of his official duty"	Any complainant; prosecution barred without sanction	No separate limitation period provided	Prior sanction mandatory if the act alleged, even if in excess, is reasonably connected with the discharge of the official duty	***G.C. Manjunath***: reasonable nexus test if passed, sanction is mandatory; ***P.K. Pradhan***: even acts that are in excess of official duty are covered; ***Ganesh Chandra Jew***: sanction is a condition precedent where the alleged act is integrally connected with discharge of official functions.	Drafting *tehrir* and registering FIR are core statutory duties of a police officer under Section 154 of Cr.P.C; absent a sanction, the Magistrate lacked jurisdiction to issue a summoning order.
Section 140 of the DP Act	Suits/prosecutions against police officers for acts done under the colour of duty or authority or in excess of such duty or authority.	Any complainant, subject to statutory bar	Three months from the date of the act complained of, extendable to one year from the date of the offence with sanction of the Administrator	Administrator's sanction required beyond three months	*Text itself clear; followed consistently by this Court*	Complaint was filed beyond three months from the date of the incident; no Administrator's sanction obtained. Proceedings barred.

19. The conjoint effect of these provisions is decisive; the Petitioner's complaint against the Respondent police officers was barred by:

(i) Section 195 of Cr.P.C as no proper complaint lay against them;

(ii) Section 197 of Cr.P.C as no sanction was obtained though the acts bore a direct nexus with official duty;

(iii) Section 140 of the DP Act as the complaint was hopelessly beyond limitation without sanction; and

(iv) Section 468 of Cr.P.C as cognizance for an offence under Section 182 IPC was taken after the statutory period of one year.

20. In view of these statutory impediments, this Court is of the view that the Revisional Court was correct in setting aside the summoning order and no perversity is disclosed in the impugned orders.

21. The present petitions are devoid of merit and are accordingly dismissed.

SANJEEV NARULA, J

SEPTEMBER 17, 2025
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