



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No.4021/2024

1. Sundar Singh son of Shri Nand Ram, resident of Didawali, Tehsil Deeg, District Bharatpur (Rajasthan)
2. Rajesh Kumar Parashar son of Shri Gopal Krishan Parashar, resident of Koshi Kalan, District Mathura (U.P.)
3. Hariom Garg son of Shri Bhagwati, Stamp Vendor, Collectorate Civil Court, Mathura, District Mathura (U.P.)

----Petitioners

Versus

State Of Rajasthan, Through P.P.

----Respondent



For Petitioner(s) : Mr. Dinesh Kumar Garg
For Respondent(s) : Mr. Amit Punia, PP

JUSTICE ANOOP KUMAR DHAND
Order

18/11/2025

Reportable

“The Earth is supported by the power of truth; It is the power of truth that makes the sun shine, and the winds blow; Indeed all things rest upon the Truth.”

--- Chanakya

Truth is the foundation of justice. Dispensation of justice, based on truth, is an essential and inevitable feature of the justice delivery system. Justice means truth is in action.

It is the duty of the Court to discover the truth to do complete justice. The entire judicial system has been created only to discover and establish the real truth.

Justice founded on the truth would establish peace and harmony in the society. For the common man, truth and justice



are synonymous and inseparable. So when truth fails, justice fails. People would have faith in the Judicial Administrative System, only when truth alone prevails and triumphs.

Every trial is voyage of discovery in which truth is the quest. Truth should be reigning the objectives of trial. The Courts are supposed to play an active role in discovering the truth and it is the duty of all stake holders to play an active role in this quest and assist the Court in discovering the truth. The Court should explore all available avenues in order to discover the truth.

1. By way of filing this criminal misc. petition, a challenge has been led to the directions issued by the Additional District Judge No.1, Deeg, District Bharatpur in Civil Suit No.9/2011 vide order dated 10.08.2018 for conducting enquiry regarding an agreement alleged to have been executed between the parties in 2000.

2. Learned counsel for the petitioners submits that the petitioner No.1 filed a suit for specific performance of sale agreement dated 04.04.2000 against the defendants before the Court of Additional District Judge No.1 Deeg, District Bharatpur, wherein on the basis of an oral statement of one of the witnesses, the Court in the impugned order has recorded that the executants of the agreement, i.e, Om Prakash and Chandra Prakash passed away on 20.01.1995 and 05.07.1990 respectively. Learned counsel submits that their death certificates were not produced on record, though an FIR was registered in this regard which resulted in Final Report 'negative'. Learned counsel submits that unless and until any concrete evidence is made available on the record in support of such contentions, any order, issuing directions for





conducting an enquiry for ascertaining the correctness of the execution of the document, cannot be passed. Hence, under these circumstances, interference of this Court is warranted.

3. *Per contra*, Id. Public Prosecutor opposes the prayer made by learned counsel for the petitioners and submits that a disputed fact was placed on record of the Civil Court, wherein it was alleged that the executants of the agreement, i.e., Om Prakash and Chandra Prakash passed away long before the execution of the agreement dated 04.04.2000. Learned Public Prosecutor further submits that a suit for specific performance of the agreement has been submitted solely on the basis of the existence of a valid sale agreement, hence, this fact is required to be examined by way of conducting an enquiry in order to ascertain the correctness and genuineness of the said document. Hence, under these circumstances, the court below has not committed any error, which warrants any interference of this Court.

4. Heard and considered the submissions made at the Bar and perused the material available on the record.

5. Perusal of the record indicates that a suit for specific performance of sale agreement was submitted by the petitioner No.1 against the defendants therein before the Court of Additional District Judge No.1, Deeg, District Bharatpur, wherein it was submitted by one of the witnesses that the executants of the aforesaid sale agreement dated 04.04.2000 passed away much prior to the date of its execution. On the basis of the aforesaid, the suit filed by the petitioner No.1 was rejected by the Court below vide judgment and decree dated 10.08.2018.





Before parting with the aforesaid judgment, Id. Court below has issued directions to the Sub-Divisional Officer, Deeg to conduct an enquiry into the correctness and genuineness of the aforesaid agreement, within a period of two months. Consequently, the documents were sent to the Circle Officer for conducting an enquiry, on the basis of the statements of one of the witnesses, i.e. Dulhe Ram with regard to document Exhibit-C-1, i.e., the agreement dated 04.04.2000.

6. If a fact has been disputed on the record of the Court, then certainly the disputed fact is required to be examined at the appropriate level by way of conducting an enquiry. If at all, a forged document has been placed on the record for obtaining a judicial order, such practice cannot be allowed on the part of any litigant in order to maintain the majesty of law. In order to find out the correctness of the matter as to whether the document is fabricated or not, an enquiry is required to be conducted.

7. It is settled proposition of law that if any fact comes on the record before the Court indicating that any party to the proceedings has submitted a false & fabricated document, at any stage of the judicial proceedings, the Court is bound to form an opinion and it is expedient in the interest of justice to initiate an enquiry for ascertaining the correctness of the same.

8. The Hon'ble Apex Court in the case of **Iqbal Singh Marwah & Anr. Vs. Meenakshi Marwah & Anr.** reported in **2005 (4) SCC 370** has gone into the scope of Section 340 and it has been held in Para 23 as under:-





"23. In view of the language used in Section 340 CrPC 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 interests 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(1)(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."

9. The Hon'ble Apex Court in the case of **Chandra Shashi vs. Anil Kumar Verma** reported in **(1995) 1 SCC 421** has held that the stream of administration of justice has to remain unpolluted so that purity of Court's atmosphere may give vitality to all the organs of the State. Polluters of judicial firmament are, therefore, required to be well taken care of to maintain the sublimity of Court's environment; so also to enable it to administer justice fairly and to the satisfaction of all concerned. This Court also



would like to refer paragraph 2 of the said judgment wherein it is observed that anyone who takes recourse to fraud, deflects the course of judicial proceedings; or if anything is done with oblique motive, the same interferes with the administration of justice. Such persons are required to be properly dealt with, not only to punish them for the wrong done, but also to deter others from indulging in similar acts which shake the faith of people in the system of administration of justice. In paragraph 14 thereof as well, it is observed by the Apex Court that the legal position thus is that if the publication be with intent to deceive the Court or one made with an intention to defraud, the same would be contempt, as it would interfere with administration of justice.

10. The Hon'ble Apex Court in the case of **K.D. Sharma Vs. Steel Authority of India Ltd. & Ors.** reported in **(2008) 12 SCC 481** has held in para 39 as under:-

"39. If the primary object as highlighted in Kensington Income Tax Commrs., [(1917) 1 KB 486 : 86 LJKB 257 : 116 LT 136 (CA)] is kept in mind, an applicant who does not come with candid facts and "clean breast" cannot hold a writ of the court with "soiled hands". Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, manoeuvring or misrepresentation, which has no place in equitable and prerogative jurisdiction. If the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the court, the court has inherent power in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. If the court does not reject the petition on that ground, the court would be failing in its duty. In fact, such an applicant requires to be dealt with for contempt of court for abusing the process of the court."



11. The Apex Court in the case of **Dalip Singh Vs. State of UP** reported in **(2010) 2 SCC 14** has held in para 2 as under:-

"2. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final."

12. Again, the Hon'ble Apex Court in the case of **Moti Lal Songara Vs. Prem Prakash @ Pappu & Anr.** reported in **(2013) 9 SCC 199** has held in paragraphs 19 and 20 as under:-

"19. The second limb of the submission is whether in the obtaining factual matrix, the order passed by the High Court discharging the respondent-accused is justified in law. We have clearly stated that though the respondent was fully aware about the fact that charges had been framed against him by the learned trial Judge, yet he did not bring the same to the notice of the Revisional Court hearing the revision against the order taking cognizance. It is a clear case of suppression. It was within the special knowledge of the accused. Anyone who takes recourse to method of suppression in a court of law, is, in actuality, playing fraud upon the court, and the maxim suppressio veri, expressio falsi i.e. suppression of the truth is equivalent to the expression of falsehood, gets attracted. We are compelled to say so as there has been a calculated concealment of the fact before the Revisional Court. It can be stated with certitude that the respondent-accused tried to gain advantage by such factual suppression. The fraudulent intention is writ large. In fact, he has shown his courage of ignorance and tried to play possum.

20. The High Court, as we have seen, applied the principle "when infrastructure collapses, the superstructure is bound to collapse". However, as the order has been obtained by practising fraud and suppressing material fact before a court of law to gain advantage, the said order cannot be allowed to stand."



13. The Hon'ble Apex Court in the case of **Kishore Samrite Vs. State of Uttar Pradesh and Ors.** reported in **(2013) 2 SCC 398** has held with regard to practice and procedure, abuse of process of Court/law/fraud on the Court. The principles governing the obligations of a litigant while approaching the Court and the consequences of abuse of process have been enumerated in this judgment. This Court would like to refer paragraph 32 of the said judgment which reads as follows:

"32. The cases of abuse of process of court and such allied matters have been arising before the courts consistently. This Court has had many occasions where it dealt with the cases of this kind and it has clearly stated the principles that would govern the obligations of a litigant while approaching the court for redressal of any grievance and the consequences of abuse of process of court. We may recapitulate and state some of the principles. It is difficult to state such principles exhaustively and with such accuracy that would uniformly apply to a variety of cases. These are:

32.1 Courts have, over the centuries, frowned upon litigants who, with intent to deceive and mislead the courts, initiated proceedings without full disclosure of facts and came to the courts with "unclean hands". Courts have held that such litigants are neither entitled to be heard on the merits of the case nor are entitled to any relief.

32.2. The people, who approach the court for relief on an ex parte statement, are under a contract with the court that they would state the whole case fully and fairly to the court and where the litigant has broken such faith, the discretion of the court cannot be exercised in favour of such a litigant.

32.3. The obligation to approach the court with clean hands is an absolute obligation and has repeatedly been reiterated by this Court.



32.4. Quests for personal gains have become so intense that those involved in litigation do not hesitate to take shelter of falsehood and misrepresent and suppress facts in the court proceedings. Materialism, opportunism and malicious intent have overshadowed the old ethos of litigative values for small gains.

32.5. A litigant who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands is not entitled to any relief, interim or final.

32.6. The court must ensure that its process is not abused and in order to prevent abuse of process of court, it would be justified even in insisting on furnishing of security and in cases of serious abuse, the court would be duty-bound to impose heavy costs.

32.7. Wherever a public interest is invoked, the court must examine the petition carefully to ensure that there is genuine public interest involved. The stream of justice should not be allowed to be polluted by unscrupulous litigants.

32.8. The court, especially the Supreme Court, has to maintain the strictest vigilance over the abuse of process of court and ordinarily meddlesome bystanders should not be granted "visa". Many societal pollutants create new problems of unredressed grievances and the court should endure to take cases where the justice of the lis well justifies it."

14. Hence, it is clear from the above noted judgments that if any litigant approaches the Court with fabricated documents, a thorough enquiry is required in order to ascertain the truth. This is because filing of false documents is a serious matter that can be considered a fraud played on the Court, potentially leading to legal consequences for the litigants.



15. This Court finds no merit and substance in this petition and no error in the impugned order passed by the Court below, which requires any interference of this Court. Accordingly, the instant criminal misc. petition stands dismissed.



16. Before parting with this order, it is made clear that whatever observations have been made in this order would not influence the concerned authority in any manner for conducting enquiry in the matter. It is also observed that the order was passed by the Court below way-back in the month of August, 2018, but inspite of passing of more than seven years, till date the matter has not been finalised. It is expected from the authority concerned to speed up the enquiry and submit the report of enquiry before the competent Court in strict compliance of the directions issued by the Court below.

17. Stay application as well as all applications (pending, if any) stand disposed of.

(ANOOP KUMAR DHAND),J

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