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

Date of decision: 24th MARCH, 2026

IN THE MATTER OF:

CRL.M.A. 6275/2026

IN

+ **CS(OS) 246/2023**

NISHA CHANDOLA & ANR

.....Plaintiffs

Through: In person.

versus

MANOJ SHARMA AND ANR

.....Defendants

Through: Ms. Shruti Kapur, Advocate for D-1.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

CRL.M.A. 6275/2026

1. The instant application is filed under Section 340 of the Criminal Procedure Code, 1973 (*hereinafter referred to as "CrPC"*) for initiation of perjury proceedings against the Defendant No. 1 for making false statements on oath.
2. The present suit is one for partition, rendition of accounts and recovery of amounts due to the Plaintiffs from the Defendants.
3. The facts of the case, as mentioned in the Plaint, reveal that the Parties are the children of one Late Ram Chander Sharma, who died *intestate* on 28.04.2022. The Petitioners and Defendant No. 2 herein are the daughters of the deceased, whereas the Defendant No. 1 is the son of the deceased. It is stated that during his lifetime, the deceased acquired various



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movable and immovable properties, which are mentioned in Paragraph No. 3 of the Plaint. The Plaintiffs, raising apprehensions of Defendant No. 1 misappropriating money from the suit properties, filed the instant suit seeking partition in all the properties mentioned in the Suit Schedule.

4. The instant application was listed on 25.02.2026. Petitioner No. 1 was appearing *in-person* before this Court *via* Video Conferencing.

5. On the said date, this Court puts a pointed question to the Petitioner No. 1 as to why the criminal proceedings under Section 340 of the CrPC are to be initiated against the Defendant No. 1. Upon this query, the Petitioner No. 1 submits that the Defendant No. 1 had deliberately given false statements in his pleadings as well as the affidavits dated 03.09.2025 and 15.01.2026 with an intent to interfere with the administration of justice. It is stated that the statements made by the Defendant No. 1 before this Court *via* affidavits dated 03.09.2025 and 15.01.2026 are backed by only forged documentation, thereby revealing his intent to deceive this Court.

6. *Per contra*, learned Counsel for the Defendant No. 1 vehemently objected to the present application, thereby stating that the application is frivolous in nature.

7. Heard learned Counsel for the parties and perused the material on record.

8. It is observed that on 15.07.2025, this Court directed the Defendant No. 1 to file an affidavit disclosing all the assets received by the Defendant No. 1 by transfer upon the demise of the father. It further directed the Plaintiff to file the Joint Schedule of Properties, which is also on record.

9. The affidavit dated 03.09.2025 reads as under:-

“1. That I am the Defendant No. 1 in the above



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captioned matter. I am well conversant with the facts and circumstances of this - case. As such, I am competent to swear and depose this Affidavit.

That the present Affidavit is being filed in terms of Order dated 15.07.2025 passed by this Hon'ble Court wherein this Hon'ble Court directed the deponent to make a full disclosure of the estate inherited by him from his father, Late Sh. Ramesh Chandra Sharma.

3. IMMOVABLE PROPERTIES

A. 36, Sharad Cooperative Building Society, Karkardooma, Delhi 110092 admeasuring 177.80 sq. yds.

i. That the said property was purchased by Late Sh. Ramesh Chandra Sharma vide registered Conveyance Deed dated 17.06.1994.

ii. That the deponent has inherited the said property consisting of a ground floor, first floor and second floor, vide Will dated 25.06.2021 executed by Late Sh. Ramesh Chandra Sharma.

iii. The deponent has duly disclosed the aforementioned facts at paragraph 11(a) of the Written Statement dated 11.08.2023.

B. 28, Second Floor, Sharad Vihar, Karkarsdooma, Delhi 110092.

i. That the said property was purchased by Late Sh. Ramesh Chandra Sharma in the year 2016.

ii. That the deponent has inherited the said property vide Will dated 25.06.2021 executed by Late Sh. Ramesh Chandra Sharma.

iii. The deponent has duly disclosed the aforementioned facts at paragraph 11 (b) of the



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Written Statement dated 11.08.2023.

C. Industrial land bearing plot no. 249, FIE Patparganj admeasuring 367.50 sq. meters.

i. That the said property was purchased by Late Sh. Ramesh Chandra Sharma vide lease deed dated 06.08.19991 which got converted to freehold vide registered Conveyance Deed dated 24.12.2008 in the name of the father.

ii. That the father had gotten construction done on the said property and thereafter bought plant and machinery.

iii. That the said property was used for running the business in New Samudra Art Centre by Late Sh. Ramesh Chandra Sharma and the deponent until 2020 when it was shut down.

iv. That the plant and machinery in the said property has become obsolete since then and are scrap.

v. That the deponent has inherited the said property vide Will dated 25.06.2021 executed by Late Sh. Ramesh Chandra Sharma.

vi. The deponent has duly disclosed the aforementioned facts at paragraph 11 (c) of the Written Statement dated 11.08.2023.

D. Property bearing no. B-119, Sector 63, Noida, Gautam Budh Nagar, UP 201301.

i. That the said property is admittedly owned by the company namely M/s Ambika Garments Pvt. Ltd. and the said company is not a party in the present suit. As such, no relief can be granted qua the assets of the company.

11. The deponent has duly disclosed the



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aforementioned facts at paragraph 11(e) of the Written Statement dated 11.08.2023.

4. MOVABLE PROPERTIES

i. Late Sh. Ramesh Chandra Sharma held a Savings Bank Account with the Bank of Baroda.

ii. As on the date of demise of Late Sh. Ramesh Chandra Sharma, the amount in savings bank account was Rs. 24,87,163.03/- (Rupees Twenty-Four Lakhs Eighty Seven Thousand One Hundred and Sixty-Three point Zero Three only).

iii. Late Sh. Ramesh Chandra Sharma also held fixed deposits with the Bank of Baroda amounting to a sum of Rs. 15,23,96,853/- (Rupees Fifteen Crores TwentyThree Lakhs Ninety-Six Thousand Eight-Hundred and Fifty-Three only) with the following account nos.
00980300017704;00980300017705;00980300020186;
00980300021382;00980300021651;00980300021654;
00980300023307; 00980300024152; 0980300024153;
00980300024154;00980300024562;00980300024836;
00980300025251;00980300025252.

iv. Late Sh. Ramesh Chandra Sharma had applied for an overdraft facility for New Samudra Art Centre of approximately Rs. 1.5 crores for which Rs. 95-97 lakhs were in use and had to be paid for post his demise.

v. The deponent was made a nominee by Late Sh. Ramesh Chandra Sharma in the FDs in the Bank of Baroda Account.

vi. That the deponent has inherited the aforementioned sums vide Will dated 25.06.2021 executed by Late Sh. Ramesh Chandra Sharma. The same have been transferred to the deponent in terms of the Will in or around October/November, 2022.



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vii. *The deponent has duly disclosed the aforementioned facts at paragraph 11(f-g) of the Written Statement dated 11.08.2023.*

C. Mutual Funds

i. *That Late Sh. Ramesh Chandra Sharma had mutual funds wherein he had made the deponent a nominee.*

11. *That the value of the mutual funds on the date of his demise was Rs. 1,04,66,967/- (Rupees One Crore Four Lakhs Sixty-Six Thousand Nine-Hundred and Sixty Seven only).*

111. *That the deponent has inherited the aforementioned sums vide Will dated 25.06.2021 executed by Late Sh. Ramesh Chandra Sharma.*

iv. *The said sums were directly received by the deponent on 05.12.2022 in terms of the Will.*

v. *The deponent has duly disclosed the aforementioned facts at paragraph 11 (f-g) of the Written Statement dated 11.08.2023.*

D. Besides the aforesaid, Late Sh. Ramesh Chandra Sharma has left behind one car and household items at 36, Sharad Vihar, Karkardooma, Delhi.

5. *That the Plaintiff has alleged that Late Sh. Ramesh Chandra Sharma also had a life insurance policy in his name. It is stated that Late Sh. Ramesh Chandra Sharma had taken on a life insurance policy in the name of Mr. Aditya Khanduri, son of the deponent, who is the beneficiary of the said policy. The insured sums have been transferred to the deponent on behalf of his son Mr. Aditya Khanduri in October, 2023. The Plaintiffs have no right, title or interest in the said policy as per law. Copy of India First Money Balance Plan taken in the name of Mr. Aditya Khanduri is annexed as Document-A.*



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6. Further, it is stated that the deponent has not received any asset of Late Sh. Ramesh Chandra Shanna prior to his demise on 28.04.2022.”

10. Thereafter, an application bearing IA No. 28016/2025 was filed by the Plaintiff No. 1 stating that the Defendant No. 1 has not complied with the Order dated 15.07.2025, by not disclosing the bank accounts and financial investments of M/s Ambika Garments Pvt. Ltd. Vide Order dated 12.11.2025, this Court directed the Defendant No. 1 to file an additional affidavit disclosing the same.

11. Accordingly, an additional affidavit dated 15.01.2026 has been filed by the Defendant No.1, which reads as under:-

“1. That I am the Defendant No. 1 in the above captioned matter. I am well conversant with the facts and circumstances of this case. As such, I am competent to swear and depose this Affidavit.

2. That the present Affidavit is being filed in terms of Order dated 12.11.2025 and 01.12.2025 passed by this Hon'ble Court wherein this Hon 'ble Court directed the deponent to make a disclosure of the bank accounts and financial investments of M/s Ambika Garments Pvt. Ltd. in terms of Order dated 15.07.2025.

3. At the outset, it is stated that the deponent has not inherited the assets of M/s Ambika Garments Pvt. Ltd. from his father Late Sh. Ramesh Chandra Sharma nor has the same been transferred, as required under order dated 15.07.2025. As such, the Plaintiffs have made false statements that the deponent had to disclose bank accounts and financial investments of M/s Ambika Garments Pvt. Ltd.

4. The deponent has inherited 70% of the shares owned by Late Sh. Ramesh Chandra Sharma in M/s Ambika Garments Pvt. Ltd. by way of Will dated 25.06.2021



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executed by Late Sh. Ramesh Chandra Sharma. The said shares were transferred to the deponent in September, 2022 and has been disclosed by the deponent at paragraph 11 (e) of the Written Statement dated 11.08.2023 and paragraph 4(A) of the Affidavit dated 03.09.2025.

5. That M/s Ambika Garments Pvt. Ltd. owns one immovable property bearing no. B-119, Sector 63, Noida, Gautam Budh Nagar, UP 201301. The said property continues to be owned by M/s Ambika Garments Pvt. Ltd. which is not a party to the present suit. As such, no relief can be granted qua the immovable property of the company.

6. Further, M/s Ambika Garments Pvt. Ltd. has one (1) bank account bearing Account No. 28407630000506 with HDFC Bank, Patparganj Industrial Area, Plot No. 12, New Delhi 110092. As on the death of Late Sh. Ramesh Chandra Sharma, a sum of Rs. 8,020,719.47/- (Rupees Eighty Lakhs Twenty-Thousand Seven Hundred and Nineteen point Four Seven only) was remaining as balance. The said bank account continues to be owned by M/s Ambika Garments Pvt. Ltd. which is not a party to the present suit. As such, no relief can be granted qua the bank account of the Company.

7. That without prejudice, the Defendant No. 1 is filing the bank statement of M/s Ambika Garments Pvt. Ltd. from 28.04.2021 to 28.04.2022 (i.e., one year prior to the death of the father). Copy of bank statement of M/s Ambika Garments Pvt. Ltd. from 28.04.2021 to 28.04.2022 is annexed as Document- I.

8. That Mis Ambika Garments Pvt. Ltd. does not have any other immovable or movable asset as on the date of demise of the father besides as disclosed above.”

12. A bare reading of the contents of the instant application reveals that



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the Plaintiff No.1 has merely alleged the correctness of the details mentioned in the affidavits filed by the Defendant No. 1. The Plaintiff No.1 has only pointed out at certain contradictions between the affidavits and the material on record. In the opinion of this Court, the allegations *per se* cannot attract the ingredients under Section 340 of the CrPC which prescribes for initiation of an inquiry into an offence under Section 195(1)(b) of the CrPC. Section 195(1)(b) of the CrPC deals with prosecution of offences relating to documents given in evidence, i.e., the offences punishable under Section 193 to 196, 199, 200, 205 to 211, 228, 463, 471, 475, 476 of the IPC. In the opinion of this Court, these offences are not made out at this juncture.

13. The falsity of the statements made in the affidavits will have to be established in the present trial. In the opinion of this Court, it is always open for the Plaintiffs to initiate proceedings under Section 340 of the CrPC if material surfaces during the course of the trial. This Court is not inclined to initiate parallel proceedings one under Section 340 of the CrPC and one under the present suit for ascertaining the correctness or otherwise of the additional affidavits filed in this Court at this juncture.

14. This Court is observing that now a practice has been made by the parties of filing applications under Section 340 of the CrPC only with an idea of arm-twisting the other side or putting pressure and also to delay the trial. Since the Plaintiff No.1 is appearing in person, this Court is not inclined to impose any costs on the Applicant/ Plaintiff No.1 for filing this application. However, liberty is granted to the Applicant/ Plaintiff No.1 to file the same in case material surfaces that offences punishable under Section 193 to 196, 199, 200, 205 to 211, 228, 463, 471, 475, 476 of the IPC have been committed attracting Section 195 of the CrPC, which will lead to



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initiation of proceedings under Section 340 of the CrPC. The instant application is filed only with an intent to derail this Court from proceeding further with the matter and also to harass the Defendant No. 1.

15. Accordingly, the instant application is dismissed.

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16. List on 04.08.2026.

SUBRAMONIUM PRASAD, J

MARCH 24, 2026
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