



2026:AHC-LKO:71652-DB

AFR

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 10064 of 2026

Gareeba

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Of
Revenue Lko And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shashank Tripathi, Prakhar Upadhyay, Rishabh Yadav, Shikhar Upadhyay
Counsel for Respondent(s)	:	C.S.C.

Court No. - 3

**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE AMITABH KUMAR RAI, J.**

1. Learned counsel appearing on behalf of the petitioner wishes to withdraw this writ petition.

2. Sri Pankaj Khare, learned Additional Chief Standing Counsel appearing on behalf of the State, has filed instructions which categorically indicate that the writ petition has been filed along with forged documents. The allegation of forgery made by the State has not been controverted by the petitioner. The petitioner, now seeking to escape the consequences of the proceedings, has sought permission to withdraw the writ petition. The entire process adopted by the petitioner of "taking a chance" and, upon being unable to succeed, seeking to withdraw the writ petition is deprecated by this Court. Such a prayer for withdrawal cannot be countenanced by this Court at this stage. As the petitioner has not been able to counter the submissions advanced by the State with regard to the Aadhaar Card, the filing of the present writ petition amounts to an abuse of the process of the Court. The said instructions are kept on record.

3. Anyone who takes recourse to fraud, deflects the course of judicial

proceedings. 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.

4. The stream of administration of justice has to remain unpolluted so that purity of court's atmosphere may be given vitality to all the organs of the State. The legal position is that the fraud committed to deceive the court could be contempt as it amounts to interfering with the administration of justice.

5. The Hon'ble Supreme Court, in the case of **Chandra Shashi vs. Anil Kumar Verma** reported in **(1995) 1 SCC 421**, while dealing with a situation where forged documents were filed before the Court, has held that the perpetrator of fraud is guilty of contempt. Paragraph No. 14 of **Chandra Shashi's case (supra)** is delineated below:

"14. 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. It would, in any case, tend to interfere with the same. This would definitely be so if a fabricated document is filed with the aforesaid *mens rea*. In the case at hand the fabricated document was apparently to deceive the court; the intention to defraud is writ large. Anil Kumar is, therefore, guilty of contempt."

6. The Hon'ble Supreme Court in the case of **K.D. Sharma vs. Steel Authority of India Limited and others** reported in **(2008) 12 SCC 481** has reiterated that suppression or concealment of material facts amounts to misrepresentation and abuse of the process of the Court and has no place in equitable and prerogative jurisdiction. Paragraph No.39 of **K.D. Sharma's case (supra)** is reproduced hereinbelow:-

"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."

7. The Hon'ble Supreme Court in the case of **Dalip Singh vs. State of Uttar Pradesh and others** reported in **(2010) 2 SCC 114** has observed in paragraph No.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."

8. The Hon'ble Supreme Court in the case of **Moti Lal Songara vs. Prem Prakash @ Pappu and another** reported in **(2013) 9 SCC 199** has observed that suppression of the truth is equivalent to the expression of falsehood and opined 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."

9. In the present case, taking into consideration the fact that the petitioner is an old person aged more than 70 years and, as such, we are refraining ourselves from initiating contempt proceedings against the petitioner. However, taking into consideration the fact that forged and fabricated documents were filed in the writ petition, we are **dismissing** the writ petition with costs of ₹25,000/- (Rupees Twenty-Five Thousand) upon the petitioner. The said costs shall be deposited within a period of fifteen days with the Mediation & Conciliation Centre, Lucknow Bench, Lucknow, and proof of such payment shall be furnished to the Senior Registrar along with an affidavit of compliance.

10. In the event of failure to make the aforesaid payment within the stipulated period, the Senior Registrar shall take action in accordance with law for recovery of the said costs as arrears of the land revenue.

October 7, 2026
cks/-

(Amitabh Kumar Rai,J.) (Shekhar B. Saraf,J.)