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

+ CRL.M.C. 2119/2011

DAMAN KUMAR SONI

..... Petitioner

Through

Mr. Shiv Charan Garg, Adv.

versus

STATE NCT OF DELHI & ANR.

..... Respondent

Through

Ms. Fizani Hussain, APP

CORAM:**HON'BLE MR. JUSTICE M.L. MEHTA****ORDER**

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03.11.2011

The challenge in this petition is to the order dated 19.02.2011 of learned MM whereby he had declined to order for registration of FIR under Section 156(3) Cr. P.C. filed by the petitioner in his complaint under Section 200 Cr. P.C.

I have heard learned counsel for the petitioner and perused the record including the impugned order.

The allegations which were leveled by the petitioner in his complaint made before the learned MM under Section 200 Cr. P.C. are primarily based on documents and evidence which was to be in possession and knowledge of each of the petitioners. There was no requirement of any investigation by the police and learned Magistrate has rightly relied upon the judgment of **M/s. Skipper Beverages Pvt.**

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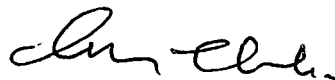
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Ld. Vs. State, 2001(3) RCR (Criminal) 514 wherein it was held as under:

"It is true that Section 156(3) of the Code empowers a Magistrate to direct the police to register a case and initiate investigations but this power has to be exercised judiciously on proper grounds and not in a mechanical manner. In those cases where the allegations are not very serious and the complainant himself is in possession of evidence to prove his allegations there should be no need to pass orders under Section 156(3) of the Code. The discretion ought to be exercised after proper application of mind and only in those cases where the Magistrate is of the view that the nature of the allegation is such that the complainant himself may not be in a position to collect and produce evidence before the Court and interest of justice demand that the police should step in to help the complainant."

Since there was no requirement of any investigation by the police, the petitioner would be at liberty to prove allegations of his complaint by leading oral as well as documentary evidence in his complaint under Section 200 Cr. P.C. before the Magistrate.

I do not see any infirmity or illegality in the impugned order. The petition has no merits and is hereby dismissed.


M.L. MEHTA,J

NOVEMBER 03, 2011

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