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

CNR No. DLHC010075282023

+ **CRL.M.C. 1561/2023**

SHYAM SINGH

.....Petitioner

Through: Ms. Roopa Nagpal, Mr. Manas Sood
and Mr. Dhruv Dhingra, Advs.

versus

STATE GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

25.08.2026

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'CrPC') assails the order dated 29.11.2022 passed by the learned Additional Sessions Judge - 05, Shahdara District, Karkardooma Courts, Delhi in ***Criminal Revision No. 22/2022***, whereby the challenge to the order dated 05.02.2022 passed by the learned Metropolitan Magistrate - 01, Shahdara District, Karkardooma Courts, Delhi in ***CT No. 7325/2016*** was dismissed.
3. By the order dated 05.02.2022, the learned Magistrate dismissed the Petitioner's application under Section 156(3) CrPC seeking registration of an FIR against the private Respondents. The complaint itself was, however, not dismissed and the Petitioner was granted an opportunity to lead pre-



summoning evidence under Section 200 CrPC.

BRIEF FACTUAL MATRIX

4. The dispute concerns Flat No. 1291, DDA Janta Flats, GTB Enclave, Delhi. The Petitioner claims to have purchased the property from one Rakesh on the basis of a General Power of Attorney, Agreement to Sell, Will, Receipt, Possession Letter and Affidavit dated 12.01.2012.

5. According to the Petitioner, Rakesh had acquired the property from Sunil Kumar Gupta through documents dated 09.03.2011, while Sunil Kumar Gupta had acquired the same from the original allottee, Dal Chand.

6. The Petitioner alleged that the private Respondents, acting in concert, demolished the existing structure and raised unauthorised construction over the property on the strength of forged and fabricated documents. On the police allegedly failing to act upon his complaint, he approached the learned Magistrate under Sections 200 and 156(3) CrPC.

7. The learned Magistrate called for a report from the concerned Police Station. A final status report dated 27.09.2019 was filed. The record further disclosed that **FIR No. 56/2012**, P.S. GTB Enclave, had already been registered at the instance of Smt. Ritu concerning the same property and allegations of fabrication of property documents.

8. The learned Magistrate also noticed that investigation in **FIR No. 56/2012** had culminated in filing of a charge-sheet. The documents executed between Sunil Kumar Gupta and Rakesh had been sent to the FSL and a supplementary chargesheet was filed with the FSL result recording that the said documents appeared to be forged.

9. Upon considering the material before her, the learned Magistrate declined the prayer under Section 156(3) Cr.P.C., observing that police



assistance was not essentially required and that the Petitioner was in a position to collect and produce the evidence in support of his case. The Petitioner was permitted to lead evidence under Section 200 Cr.P.C.

10. The learned Revisional Court, by the impugned order dated 29.11.2022, affirmed the said view. It held that the material required to substantiate the allegations was within the reach of the Petitioner and could be produced through oral and documentary evidence at the pre-summoning stage. It also noticed that the documents relied upon by the Petitioner had already been examined in **FIR No. 56/2012**.

SUBMISSIONS BY PARTIES

11. Learned counsel for the Petitioner submits that the Courts below failed to properly consider the chain of documents relied upon by the Petitioner. It is argued that the said documents ought to have been verified by the Investigating Officer ('IO') from the office of the concerned Sub-Registrar.

12. It is further submitted that while **FIR No. 56/2012** was registered against the Petitioner and others at the instance of the opposite side, no FIR has been registered on the complaint of the Petitioner. Learned counsel submits that a police investigation is necessary to verify the rival sets of documents.

13. Learned counsel also states that civil proceedings concerning the property are pending between the parties.

14. Learned APP for the State opposes the petition and submits that both the learned Magistrate and the learned Revisional Court have concurrently found that no police investigation is required. It is further submitted that the documents forming part of the chain relied upon by the Petitioner have already been subjected to investigation in **FIR No. 56/2012**.



ANALYSIS AND FINDINGS

15. This Court has heard learned counsel for the parties and perused the record.

16. At the outset, it must be noted that the Petitioner has already availed the remedy of revision against the order of the learned Magistrate. In **Varun Jain, Advocate v. Ajay Kalsi & Anr., 2024:DHC:6146**, this Court reiterated that though the inherent jurisdiction under Section 482 CrPC is not altogether excluded after exercise of revisional jurisdiction, such power is to be exercised sparingly and cautiously and cannot be used as a substitute for a second revision.

17. The question, therefore, is whether any patent illegality, perversity or miscarriage of justice is demonstrated in the concurrent orders passed by the Courts below.

18. The Supreme Court in **Om Prakash Ambadkar v. State of Maharashtra & Ors., MANU/SC/0134/2025**, has reiterated that the power under Section 156(3) Cr.P.C. is discretionary. The Magistrate is required to examine not only whether the complaint discloses a cognizable offence, but also whether police investigation is necessary for collection of evidence which is neither in the possession of the complainant nor can otherwise be procured without police assistance. The Supreme Court observed as under:

“24. ...It is, thus, not necessary that in every case where a complaint has been filed Under Section 200 of the Code of Criminal Procedure the Magistrate should direct the Police to investigate the crime merely because an application has also been filed Under Section 156(3) of the Code of Criminal Procedure even though the evidence to be led by the complainant is in his possession or can be produced by summoning witnesses, with the assistance of the court or otherwise.”



19. Applying the aforesaid principle, this Court finds no error in the exercise of discretion by the learned Magistrate.

20. The Petitioner admittedly possesses the documents upon which his claim is founded. His principal grievance is that the documents have not been verified from the office of the Sub-Registrar. Such verification does not, by itself, make police investigation indispensable. The concerned records or officials can be summoned before the learned Magistrate during the complaint proceedings, if required.

21. The submission that the IO did not place any status report on record is also not borne out from the record. The order dated 05.02.2022 specifically records that a final status report dated 27.09.2019 had been filed and considered.

22. More importantly, the relevant chain of documents has already been the subject matter of investigation in **FIR No. 56/2012**. The documents executed between Sunil Kumar Gupta and Rakesh were sent to the FSL and a supplementary chargesheet was filed with the FSL result recording that the said documents appeared to be forged.

23. This Court is not expressing any opinion on the genuineness or otherwise of those documents. The said issue has to be adjudicated in the proceedings concerned in accordance with law. The limited relevance of the aforesaid circumstance is that the Petitioner's contention that his documents have never been subjected to investigation cannot be accepted.

24. The fact that an FIR was registered at the instance of the opposite side also does not create a corresponding right in favour of the Petitioner to insist upon registration of another FIR. Each complaint has to independently satisfy the requirements for exercise of jurisdiction under Section 156(3) CrPC.



25. Equally, rival claims concerning ownership and possession over the property cannot be adjudicated in proceedings relating to an application under Section 156(3) CrPC. The pendency of civil proceedings further shows that questions of title are already the subject matter of adjudication before the competent forum.

26. Significantly, the Petitioner's complaint has not been dismissed. He has been expressly permitted to lead pre-summoning evidence under Section 200 CrPC. Thus, the Petitioner continues to have the opportunity to establish his allegations before the learned Magistrate in accordance with law.

27. In these circumstances, this Court finds no jurisdictional error, perversity or patent illegality in the order dated 29.11.2022 passed by the learned Revisional Court affirming the order dated 05.02.2022 passed by the learned Magistrate. No exceptional circumstance is made out warranting exercise of jurisdiction under Section 482 CrPC.

28. The petition is, accordingly, dismissed. Pending application(s), if any, also stand disposed of.

29. It is clarified that nothing stated in this order shall be construed as an expression on the title or possession of the property, the genuineness of the documents in question, or the merits of **FIR No. 56/2012** or the complaint proceedings pending before the learned Magistrate.

30. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 25, 2026/m