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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC010406812026**+ **CRL.M.C. 6392/2026**Date of decision: **31.08.2026.****IN THE MATTER OF:-****MANJEET SINGH AHLUWALIA**

.....Petitioner

Through: **Mr. Pranay Sharma, Advocate.**

versus

STATE OF NCT OF DELHI AND ORS

.....Respondents

Through: **Mr. Naresh K. Chahar, APP along
with SI Ranbir, PS Lajpat Nagar.****CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)****CRL.M.A. 26738/2026**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. By way of the present petition filed under Section 528 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Sections 482/483 of the Code of Criminal Procedure, 1973 ["Cr.P.C."]), the petitioner assails the order dated 09.03.2026 passed by the Additional Sessions Judge-05, South-East District, Saket Courts, New Delhi in Cr. Rev. No. 588/2025 ["impugned revisional order"], whereby the Revisional Court dismissed the petitioner's revision and affirmed the order

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dated 29.08.2025 passed by the Judicial Magistrate First Class-01, South-East District, Saket Courts [“impugned trial court order”], dismissing the petitioner’s application under Section 156(3) of the Cr.P.C. (corresponding Section 175(3) BNSS) seeking a direction for registration of an FIR against respondent nos. 2 to 4.

4. The factual matrix, as borne out from the record, is that the petitioner claims to be the owner of the ground floor and basement of property bearing No. E-3, Lajpat Nagar-II, New Delhi, whereas respondent no. 2, who is stated to be the petitioner’s real brother, claims ownership/co-ownership of the said property. It is the petitioner’s case that on 19.03.2024, respondent no. 2, in league with respondent nos. 3 and 4 and certain unidentified persons, and allegedly in connivance with police officials, trespassed into the property and attempted to forcibly install an electricity meter on the third floor without the petitioner’s consent. It is further alleged that, on being resisted, the accused persons criminally intimidated the petitioner and his staff and hurled communally charged and religiously offensive remarks at them.

5. On the police at PS Lajpat Nagar allegedly failing to register an FIR despite a written complaint addressed to the Deputy Commissioner of Police, South-East District, the petitioner approached the JMFC-01, Saket Courts, under Section 156(3) Cr.P.C., seeking a direction to the SHO, PS Lajpat Nagar, to register an FIR under Sections 120B/503/506/166/295A/298 of the Indian Penal Code, 1860 against the accused persons. Notice was issued to the police. In response thereto, the Investigating Officer filed an Action Taken Report [“ATR”] dated 05.09.2024.

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6. The ATR, which is part of the record before both the Courts below, records the following material aspects:-

“5. ATR states:

- a) The police presence on 19.03.2024 was in response to a DD entry regarding a quarrel, not to assist accused no.1.*
- b) The BSES team was present with a valid work order for the installation of a meter requested by the owner, Sarabjit Singh Ahluwalia.*
- c) The complainant, Manjeet Singh Ahluwalia, himself created a hindrance, used abusive language against the police, and prevented the installation.*
- d) No meter was installed that day, and no unlawful entry into the complainant's premises was made by police or BSES staff.*
- e) The dispute is essentially a civil property dispute between two brothers, which has previously led the police to initiate preventive proceedings under Sections 107/150 CrPC.”*

7. Upon consideration of the aforesaid ATR and the material placed by the petitioner, the JMFC, *vide* the impugned trial court order dated 29.08.2025, dismissed the Section 156(3) application, holding, in substance, that the matter was in the nature of a civil dispute, that the identity of the accused persons was already known, that the evidence relied upon was within the reach of the petitioner, and that no police investigation was, therefore, warranted.

8. Aggrieved thereby, the petitioner preferred Cr. Rev. No. 588/2025 before the Additional Sessions Judge-05, Saket Courts. The Revisional Court, *vide* the impugned revisional order dated 09.03.2026, after advertng to the allegations and the ATR, held as follows:

“The Court finds that Ld. JMFC properly appreciated the allegations in view of ATR filed by police and reached the right conclusion that this was not [a] fit case for ordering registration of FIR; the allegations did not justify the same. There was no illegality, unreasonableness or impropriety



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in the impugned order. There is no merit in [the] revision petition and it is dismissed.”

9. Learned counsel for the petitioner, assailing the concurrent orders, has broadly urged that the complaint, on its face, discloses commission of cognizable offences under Sections 120B, 503/506, 166, 295A and 298 IPC, and registration of FIR was therefore mandatory and that the ATR itself discloses complicity of the local police, whose own staff have been arrayed as accused, thereby vitiating reliance placed on it.

10. It is further submitted that the impugned revisional order is cryptic and non-speaking, having disposed of the revision in two sentences without independently engaging with the specific allegations or the ATR's internal inconsistencies and that the discretion under Section 156(3) Cr.P.C. has been exercised arbitrarily and without recording cogent reasons for declining investigation into serious allegations.

10. Per contra, learned APP for the State supports the concurrent findings of the Courts below and submits that the contemporaneous ATR, which has gone unrebutted on facts material to the controversy, itself establishes that the police response on 19.03.2024 was occasioned by a DD entry regarding a quarrel and not by any design to assist respondent no. 2 and that the BSES team was present pursuant to a valid work order issued at the instance of the owner; that no meter was, in fact, installed and no unlawful entry was effected; and that the petitioner, on the contrary, is recorded to have obstructed the police and the BSES officials and used abusive language. It is submitted that the dispute is essentially of a civil, property-related character between two brothers, already the subject matter of preventive proceedings under Sections 107/151 Cr.P.C., and does not warrant invocation of the



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criminal process.

11. It is well settled that registration of an FIR under Section 154 Cr.P.C. is mandatory where the information discloses commission of a cognizable offence, and no preliminary inquiry is ordinarily permissible at that stage. The Constitution Bench of the Supreme Court in **Lalita Kumari v. Government of Uttar Pradesh**,¹ held that no preliminary inquiry is permissible “if the information discloses commission of a cognizable offence”, though it carved out limited categories, including matrimonial/family disputes, commercial offences and cases of abnormal delay, where a preliminary inquiry may be conducted only to ascertain whether a cognizable offence is disclosed at all. This principle was reiterated by the Supreme Court in **Sindhu Janak Nagargoje v. State of Maharashtra**,² where the Court set aside a High Court order declining directions for registration of an FIR, on a finding that the complaints in that case did disclose a cognizable offence.

12. The scope of the Magistrate’s power under Section 156(3) Cr.P.C. was elaborated by the Supreme Court in **Sakiri Vasu v. State of U.P.**,³ where it was held that the power is wide, and includes implied ancillary powers to direct registration of an FIR and to monitor investigation, “they are implied in the above provision” referring to Section 156(3). The Court simultaneously held that an aggrieved person must ordinarily exhaust the remedy of approaching the concerned SHO under Section 154(3)/senior police officer under Section 36 Cr.P.C. before invoking the jurisdiction of the Magistrate, and that recourse to a writ court ought not to be had directly.

¹(2014) 2 SCC 1.

² Criminal Appeal No. SLP (Crl.) No. 5883 of 2020, decided on 08.08.2023.



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13. In **Priyanka Srivastava v. State of U.P.**,⁴ it was further held that every application under Section 156(3) Cr.P.C. must be supported by an affidavit sworn by the applicant, the Court observing that “a stage has come in this country” where such applications ought no longer to be entertained without responsibility being fixed on the applicant, so as to deter applications filed in a routine manner to harass persons named therein.

14. The threshold that emerges from the above authorities is thus fourfold: (a) the complaint must, on a *prima facie* reading, disclose the ingredients of a cognizable offence; (b) the applicant must have exhausted the remedy under Sections 154(1)/154(3) Cr.P.C. before invoking Section 156(3); (c) the application must be supported by an affidavit; and (d) the dispute must not fall within a category, such as a matrimonial, commercial or essentially civil dispute, where a preliminary inquiry rather than straightaway registration is the appropriate course.

15. It is well settled that the bar under Section 397(3) Cr.P.C. does not, by itself, extinguish the inherent jurisdiction of this Court, since such jurisdiction is saved, and not conferred, by the Code. The Supreme Court in **Mohit @ Sonu v. State of U.P.**,⁵ while considering the interplay between Sections 397 and 482 Cr.P.C., held that “*inherent powers contained in Section 482 would not be available to defeat the bar*” only where the order impugned is itself the subject of an express statutory bar. Where, however, no such express bar operates, as in the case of a second revision under Section 397(3), the inherent jurisdiction remains available, to be exercised with circumspection. This position is consistent with the earlier view of the

³(2008) 2 SCC 409.

⁴(2015) 6 SCC 287.



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Supreme Court in **Ganesh Narayan Hegde v. S. Bargarappa**,⁶ and in **Asghar Khan v. State of U.P.**,⁷ that while a second revision by the same party is impermissible, this Court's inherent jurisdiction under Section 482 Cr.P.C. is not thereby ousted, though it cannot be exercised as though this Court were sitting as a second revisional forum.

16. This jurisdiction is, however, to be exercised sparingly and only in exceptional circumstances, to correct a manifest illegality, a jurisdictional error, or a miscarriage of justice in the order of the Revisional Court, and not merely because a different view was reasonably possible on the same material. Reliance in this regard is also placed by the petitioner on the requirement that judicial orders be reasoned, as explained in **Kranti Associates (P) Ltd. v. Masood Ahmed Khan**,⁸ where it was observed that the face of an order affecting the rights of parties must not be like the “*inscrutable face of a sphinx*”, and in **State of U.P. v. Battan**,⁹ where it was held that “*reasons introduce clarity in an order*”.

17. The absence of elaborate reasoning in an order of a Revisional Court is, no doubt, a relevant consideration. It does not, however, by itself constitute the exceptional circumstance warranting interference under Section 528 BNSS/Section 482 Cr.P.C., where the record independently sustains the conclusion arrived at, and a remand on that ground alone would serve no purpose beyond formality.

18. Tested against the aforesaid framework, this Court finds no infirmity, much less an exceptional circumstance, warranting interference with the

⁵(2013) 7 SCC 789.

⁶(1995) 4 SCC 41.

⁷AIR 1981 SC 1697.

⁸(2010) 9 SCC 496.

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concurrent orders of the Courts below.

19. In so far as the threshold under Section 156(3) Cr.P.C. is concerned, the ATR dated 05.09.2024, which forms part of the record and whose contents have not been shown to be inherently improbable or fabricated. The ATR further records that the dispute is essentially a civil, property-related dispute between real brothers, already the subject matter of preventive proceedings under Sections 107/151 Cr.P.C. On this material, the ingredients of the offences under Sections 120B, 503/506, 166, 295A and 298 IPC are not, *prima facie*, made out, and the dispute falls squarely within the category of civil-flavoured disputes in respect of which the Supreme Court in **Lalita Kumari** (supra) has recognised that a preliminary inquiry, rather than straightaway registration of an FIR, is the appropriate course. No case for interference on this ground is, therefore, made out.

20. As regards reliance placed on **Sajal Bose v. State of West Bengal**,¹⁰ this Court finds the reliance to be misconceived. That decision was rendered in the exercise of jurisdiction under Section 482 Cr.P.C./Section 528 BNSS to quash a chargesheet, where CCTV footage forming part of the chargesheet itself was found to “completely belie the allegation of their participation” in the offence, and the Supreme Court accordingly held that continuation of proceedings, in the face of such exculpatory and unimpeachable material, would be an abuse of process. That principle operates in the converse direction to the one urged by the petitioner. It is authority for the proposition that unimpeachable contemporaneous material must be given due weight, whether it inculcates or, as here, exculpates.

⁹(2001) 10 SCC 607.

¹⁰2026 INSC 322.



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Applied to the present facts, the very principle relied upon by the petitioner supports the conclusion reached by the Courts below, since the unimpeachable contemporaneous material on this record, namely the DD entry and the ATR, cuts against the petitioner's version.

21. In view of the above, this Court finds no exceptional circumstance warranting interference with the concurrent findings recorded by the JMFC and the Revisional Court.

22. At this stage, there is no justification in directing for registration of FIR under Section 156(3) Cr.P.C. The nature of the investigation would not require any seizure on an aspect which cannot be gone into by the Court under Section 200 Cr.P.C.

23. The petition, being devoid of merit, is accordingly dismissed

24. Pending application(s), if any, stand disposed of.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 31, 2026

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