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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 119/2015

AJAY GAUR

Through

Mr.Amit Jain, Adv. with

Mr.Sushendra K. Chauhan, Adv.

..... Petitioner

versus

VIJAY GAUR & ORS

Through

None

..... Respondents

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

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14.01.2015

Crl. M.A. No.537/2015 (exemption)

Exemption allowed, subject to just exceptions.

The application is disposed of.

Crl. M.C. No.119/2015 & Crl. M.A. No.536/2015

On the basis of the complaint filed by the petitioner, the order dated 14th October, 2014 was passed by the learned MM directing the SHO to register FIR against respondents No.1 & 2. The said order was challenged by respondents No.1 & 2 in Criminal Revision No.21/2014. The said revision petition was allowed by order dated 5th December, 2014. Relevant paras 14 & 15 of the said order read as under:-

"14. In view of the foregoing discussion and facts and the circumstances of the case I am allowing the Revision Petition filed and setting aside the impugned order of the Ld. Trial Court

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whereby the directions had been given to the registration of the case under Section 156(3) Cr.P.C.

15. Before, however, concluding this Order I would like to add here that the Ld. Trial Court may proceed with the complaint if it so considers appropriate, as a complaint case even in a case of non cognizable offence been committed may still be maintainable and may take a decision as to the issuance of process under Section 204 of the Code of Criminal Procedure after such evidence as led by the complainant has been recorded."

Learned counsel for the petitioner has referred the judgment passed by Allahabad High Court in the case of *Chandan Son of Aanganu vs. State of Uttar Pradesh*, dated 17th October, 2006. Having gone through the same, I am of the view that the facts in the present case are materially different. Therefore, the said judgment is not applicable to the facts and circumstances of the present case.

There is no merit in the petition. The same is accordingly dismissed.

JANUARY 14, 2015/ka


MANMOHAN SINGH, J. 7