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

+ W.P.(CRL) 777/2013 & Crl.M.A.No.4928/2015

RATAN CHADDHA

.... Petitioner

Represented by: None

versus

THE STATE GOVT.OF NCT OF DELHI

..... Respondent

Represented by: Mr.Rahul Mehra, Standing  
Counsel (Crl.)with Mr.Aditya  
Swarup, Mr.Amrit Singh,  
Advocates  
SI Ranjan and ASI Birbal, PS  
Lajpat Nagar

**CORAM:**

**HON'BLE MR. JUSTICE PRADEEP NANDRAJOG**

**ORDER**

% **31.05.2016**

1. Perusal of the writ petition would evince the usual problem in Delhi. Neighbours fighting over space.
2. The petitioner filed a complaint under Section 200 Cr.P.C. before learned Metropolitan Magistrate. Petitioner also filed an application under Section 156(3) Cr.P.C. The obvious intention was to see that somehow or the other an FIR gets registered.
3. On April 23, 2012, with reference to an Action Taken Report received from the police the learned Metropolitan Magistrate opined that the application under Section 156(3) Cr.P.C did not merit acceptance and hence the request was declined. The petitioner was directed to lead pre-summoning

evidence in terms of Section 200 Cr.P.C.

*W.P.(CRL) 777/2013*

*Page 1 of 2*

4. I have read the order dated April 23, 2012 and it succinctly brings out that no police investigation is warranted. All facts which would be required to be proved to sustain the charge are in the knowledge of the complainant.

5. Challenge to the order, before the learned Court of Sessions failed. In a well considered order dated January 23, 2013, noting the case law the learned Court of Sessions has opined that a Magistrate is not supposed to act mechanically and direct registration of an FIR in each case. It is only where the allegations are serious and warrant investigation through the police should FIR be registered.

6. I may only add that if a complainant finds a handicap, as in a case where evidence to be brought forth is of a kind where the complainant has a handicap, such would be the case where FIR should be directed to be registered. One such example could be where the allegations of forgery warranting specimen writing to be taken and forensic opinion obtained.

7. Learned counsel for the State informs that since no stay has been granted by this Court proceedings before the learned Metropolitan Magistrate are being held. The petitioner has examined himself as also his wife as witnesses.

8. Be that as it may, since none appears for the petitioner at the hearing today, the writ petition is dismissed for non-prosecution. Crl.M.A.No.4928/2015 wherein prayer made is that FIR be directed to be registered against the accused is also dismissed for non-prosecution.

9. No costs.

**PRADEEP NANDRAJOG, J.**

**MAY 31, 2016**

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*W.P.(CRL) 777/2013*

*Page 2 of 2*