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

DECIDED ON : 29th MARCH 2016

+ **CRL.M.C.1226/2016**

GOLDY KAUR

..... Petitioner

Through : Ms.Inderjeet Sidhu, Advocate with
Ms.Divya Chugh, Advocate.

versus

STATE & ORS.

..... Respondents

Through : Mr.Raghuvinder Varma, APP.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.Garg, J. (Oral)

CRL.M.A.No.5285/2016 (Exemption)

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

CRL.M.C.1226/2016 & CRL.M.A.No.5284/2016 (Stay)

1. Present petition under Section 428 Cr.P.C. has been filed by the petitioner to challenge the order dated 05.11.2015 of learned Addl. Sessions Judge in Crl.Rev.No.50/15 whereby order dated 27.06.2015 of

learned Metropolitan Magistrate declining to register FIR under Section 156 (3) Cr.P.C. was upheld.

2. I have heard the learned counsel for the petitioner and have examined the file. On perusal of the record, it reveals that complaint case under Section 200 Cr.P.C. has been filed by the petitioner against respondents No.4 to 6. It is alleged that on 27.12.2014 at about 12.45 p.m. she was assaulted by respondent No.4 at the instigation of respondent Nos.5 & 6. She was inflicted injuries by a brick on her head. She made a telephone call at 100. She was taken to Guru Gobind Singh Hospital by the police and was medically examined.

3. The Trial Court vide order dated 27.06.2015 declined to get the matter investigated through police under Section 156 (3) Cr.P.C. and observed that the complainant was in complete control of the evidence and no recovery was to be effected. Being aggrieved by the said orders, the complainant filed revision petition which resulted in its dismissal vide order dated 05.11.2015. The Revisional Court was also of the view that investigation by police was not required as the nature of injuries sustained by the victim were 'simple' caused by blunt object. All the evidence which was required to be produced in the complaint case was within her power and possession.

4. I find no irregularity and material illegality in the impugned orders under challenge. The petitioner as a matter of right cannot insist for police investigation under Section 156 (3) Cr.P.C. She has already filed a complaint case and has been permitted by the Trial Court to adduce evidence before it. There appears to be a dispute over property between the petitioner and respondent No.6 as disclosed in the petition. The status report obtained by the Trial Court reveals that proceedings under Sections 107/151 Cr.P.C. were initiated regarding the incident by the police.

5. I find no merit in the instant petition. It is dismissed in limine. Pending application also stands disposed of.

6. Observations in the order shall have no impact on merits of the case.

(S.P.GARG)
JUDGE

MARCH 29, 2016 / *tr*