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

**DECIDED ON : JANUARY 12, 2017**

+ **CRL.M.C.2302/2016**

SUMIT GUPTA ..... Petitioner  
Through : Puneet Goel, Advocate.

VERSUS

STATE ..... Respondent  
Through : Ms.Manjeet Arya, APP.

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

**S.P.GARG, J. (ORAL)**

1. Present petition under Article 227 of the Constitution of India read with Section 482 Cr.P.C. has been preferred by the petitioner to challenge the legality of order dated 22.04.2016 of learned ACMM, Karkardooma Courts, by which the application under Section 156(3) Cr.P.C. was dismissed.

2. I have heard the learned counsel for the petitioner and have examined the file. The petitioner has filed a complaint case under Section 190 Cr.P.C. against the respondents therein for commission of offences under Sections 384/406/420 IPC. Application under Section 156(3) Cr.P.C. was filed for directions to the SHO/DCP of Police Station Preet Vihar for registration of the FIR. The Trial Court for detailed reasons declined to

issue any such direction. The case was adjourned for recording statements of the witnesses under Section 202 Cr.P.C.

3. The Trial Court noted in the impugned order that the facts and circumstances of the case were within the complainant's knowledge. Identity of the suspects is also known and no investigation by police is required at this stage.

4. The complainant as a matter of right cannot insist for investigation by the police under Section 156(3) Cr.P.C. As per allegations in the complaint, the complainant had entered into an agreement to install lift at his residence. The deal was finalized and assurance was given by the suspects to install lift of brand quality. A sum of ₹9,10,000/- was paid, as agreed, by way of cheques. It is alleged that subsequently the suspects demanded more money and the lift was not installed. On the face of it, the dispute between the parties seems to be of civil nature.

5. Considering the facts and circumstances of the case, I find no merit in the present petition and it is dismissed.

**(S.P.GARG)**  
**JUDGE**

**JANUARY 12, 2017**

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