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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4700/2017
RAJ KUMAR BANIA & ANR Petitioners
Through: Mr. Mayank Maini, Adv.
versus

THE STATE NCT OF DELHI & ORS Respondents
Through: Ms. Meenakshi Chauhan, APP with
SI Naveen, P.S. Subzi Mandi.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **15.11.2017**

Petitioner no.1 is father of petitioner no.2. Petitioners filed an application under Section 156(3) Cr.P.C. before the Metropolitan Magistrate for registering FIR against respondent nos. 2 to 12, who are police officials. Vide order dated 18th July, 2017, learned Metropolitan Magistrate dismissed the said application and listed the matter for pre-summoning evidence. Learned Metropolitan Magistrate decided to proceed with the matter under Section 200 Cr.P.C. Petitioner filed a revision petition before the Additional Sessions Judge, Central District, Delhi which has been dismissed vide order dated 19th September, 2017.

That is how the petitioners are before this Court by way of present petition under Section 482 Cr.P.C.

By a reasoned order, it has been held that no FIR is required to be

registered as the matter could have been proceeded with and decided by the Metropolitan Magistrate under Section 200 Cr.P.C. I do not find any perversity in the impugned orders which have been passed by taking into account all the facts and circumstances of the case.

Learned APP submits that on 17th October, 2014 in view of the inputs received regarding the terror threat, police launched a drive to remove the illegal encroachment on the public way in the area within the jurisdiction of police station Subzi Mandi. When respondent no.2 asked the petitioners to remove the goods lying outside their shops, which were obstructing the public way resulting in inconvenience to the public, petitioners quarrelled with the police officials and attacked them wherein Const. Dinesh and Const. Rajender sustained injuries and their MLCs were prepared. FIR No. 511/2014 under Sections 186/353/332/506/34 IPC was registered against the petitioners at police station Subzi Mandi. As a counter blast, petitioners filed the application under Section 156(3) Cr.P.C. against the police officials.

In this case all the facts are within the knowledge of petitioners including the names of the accused and no new fact has to be unearthed for which police investigation may be required. Petitioners can lead evidence during the criminal proceedings under Section 200 Cr.P.C.

It is noted here that petitioner no.1 is involved in 15 cases; whereas petitioner no.2 is involved in 4 cases, inasmuch as, petitioner no.1 is a B.C. of the area. It is submitted that no beatings were given to the petitioners by the police officials and a report in this regard was also submitted during the hearing of application under Section 156 (3) Cr.P.C.

For the foregoing reasons, petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

NOVEMBER 15, 2017

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