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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4291/2016 & CRL.M.A. 17875/2016**

DEEP GAURAV Petitioner
Through: Mr. Sunil Kumar, Advocate.

versus

STATE OF NCT OF DELHI & ANR Respondents
Through: Mr. Akshai Malik, APP for State.
Mr. Gurmeet Singh, Advocate for
R-2.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **09.08.2018**

On the petition (registered as CC No. 128/1C/14) of the petitioner, the Metropolitan Magistrate by order dated 10.09.2015 directed the Station House Officer (SHO) P.S. R.K. Puram to register an FIR and investigate into the complaint lodged with him. The second respondent, it appears he being the person against whom the allegations were made in the said complaint, challenged the said order before the court of sessions invoking its revisional jurisdiction by a petition (Crl. Rev. No.120/2015). The sessions court by order dated 19.05.2016 allowed the revision petition directing the Metropolitan Magistrate to reconsider his order after hearing the party afresh. The petition at hand has been filed challenging the said order of the revisional court.

At the hearing, the learned Additional Public Prosecutor pointed out that pursuant to the order of the Metropolitan Magistrate dated 10.09.2015, FIR No. 788/2015 was registered on 21.09.2015 by P.S. R.K. Puram and investigation into the offences punishable under Sections 406/420/467/468/471/120B/34 IPC was initiated. This development probably escaped the notice of the revisional court.

The FIR having already been registered pursuant to the order dated 10.09.2015 of the Metropolitan Magistrate, the party aggrieved thereby will have to pursue the remedies in a proper form in accordance with law.

In these circumstances, the order of the sessions court in revision is vacated and set aside. The second respondent will have the liberty to take out such proceedings as are available to him in law vis-a-vis the FIR.

The petition and the accompanying applications are disposed of accordingly.

R.K.GAUBA, J.

AUGUST 09, 2018

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