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

**Decided on: 12<sup>th</sup> October, 2018**

+ CRL.M.C. 5246/2018 and Crl.M.A.34193-34194/2018

**JASMOHAN SINGH**

..... Petitioner

Through: Mr. Diljit Singh Ahluwalia,  
Advocate with Mr. Amarjit  
Singh Bedi, & Mr. Varun  
Chandiok, Advocates.

versus

**STATE & ORS.**

..... Respondents

Through: Ms. Meenakshi Dahiya, APP  
for the State

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER (ORAL)**

1. On the complaint of the second respondent, Police Station Economic Offences Wing of Delhi Police (EOW) had registered first information report (FIR) No.71/2013 to investigate into the crimes allegedly committed under Sections 409/406/420/468/471/467/34 of the Indian Penal Code, 1860 (IPC). The police concluded the investigation and submitted a final report under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C.) dated 18.07.2014 seeking cancellation of the case against which the first informant lodged a protest petition. It appears the petitioner described as “*proposed accused*” also appeared with applications under Section 340 Cr.P.C. seeking initiation of certain criminal action.

2. The Metropolitan Magistrate, by order dated 24.09.2016, considered the cancellation report and issued directions for further investigation of the case declining to act on the applications under Section 340 Cr.P.C.

3. No appeal under Section 341 Cr.P.C. against the disposal of the applications under Section 340 Cr.P.C. has been preferred. The petitioner approached the court of Sessions by criminal revision petition No.15/2018 to bring a challenge to the order of the Metropolitan Magistrate issuing directions for further investigation, taking exception, *inter alia*, on the ground that what had been ordered to be carried out was a fishing and roving inquiry or essentially a re-investigation which was not permissible, the order being non-speaking and beyond the contours of the FIR. The revisional court, however, referred, *inter alia*, to the ruling of the Supreme Court in *Union of India vs. W.N. Chadha*, AIR 1993 SC 1082 to hold that a person who may turn out to be an accused in the case has no right of any say as regards the manner and method of investigation.

4. The revision petition having been dismissed by order dated 29.09.2018 by the Additional Sessions Judge, the present petition has been filed invoking the jurisdiction of this court under Article 227 of the Constitution of India read with Section 482 Cr.P.C. to seek, *inter alia*, setting aside of the orders of the courts below or, in the alternative, for the matter to be remanded to the court of Metropolitan Magistrate for fresh consideration.

5. The learned counsel for the petitioner referred to *Bhagwant Singh vs. Commissioner of Police & Anr.*, (1985) 2 SCC 537 to

support his plea that the order passed by the Metropolitan Magistrate directing further investigation is essentially an order under Section 156(3) Cr.P.C. He also referred to ruling of a learned Single Judge of this Court reported as *Manohar Singh & Anr. vs. State & Ors., 2013 SCC OnLine Del 1386*, to submit that the revisional remedy against such order cannot be denied. But, the crucial question persists as to whether the petitioner, a person who could possibly be an accused in the future proceedings, can raise issues as to the manner or method of investigation.

6. In the considered view of this court, the revisional court reached the correct conclusion on the above core question. There are no special circumstances made out why the petitioner could be allowed to have a say at this stage of the process with regard to the manner or method of the probe. The petitioner would have a right to participate when the investigating agency completes its task and submits its final report under Section 173 Cr.P.C.

7. Reserving the contentions of the petitioner, this court declines to interfere under Section 482 Cr.P.C. or under Article 227 of the Constitution of India at this stage.

8. The petition stands disposed of accordingly. This disposes of pending applications as well.

9. *Dasti* under the signature of Court Master.

**R.K.GAUBA, J.**

**OCTOBER 12, 2018/vk**