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

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Judgment delivered on: 08.03.2018

+ CRL.M.C. 4483/2017

BALRAJ KUMAR TALWAR

..... Petitioner

versus

THE STATE & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. V.C. Gautam, Adv.

For the Respondents : Mr. Mukesh Kumar, Addl. PP for the
State with Inspr. Manoj Kr. Sharma
Mr. Anshul Sharma, Adv. for R-2

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

08.03.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner impugns order dated 06.10.2017 of the revisional court whereby the revision petition filed by the petitioner impugning order dated 13.07.2017 of the trial court rejecting the application of the petitioner under Section 156(3) of the Cr. P.C., was dismissed.

2. Vide order dated 13.07.2017, the trial court noticed that the petitioner had contended that the accused persons who are police officers had misused their official position and falsely implicated the

petitioner and registered the FIR No. 345/2016 Police Station Mayur Vihar, New Delhi.

3. It is alleged that respondent no. 3 came to the shop of the petitioner on 09.09.2016 along with other police officers, misbehaved with him and took Rs. 3000/- from him. Further, it is contended that the petitioner as well as his brother were forced to sign some blank papers and documents.

4. The trial court relying on the decision of this Court in “*Skipper Beverages Pvt. Ltd. V. State*, 2002 CRLJ NOC 333 (Delhi); declined to entertain the application under Section 156 (3) holding that FIR should be ordered to be registered only in cases where police assistance is required for collecting any evidence or for investigation.

5. The revisional court has noticed that on the day when the petitioner alleges the incident occurred, the petitioner was booked by the police officers of the same police station under Section 283 IPC. As per the revisional court, all the facts including the identity of the accused persons are within the personal knowledge of the petitioner and therefore there was no requirement for registration of the FIR or for police investigation.

6. Learned counsel for the petitioner submits that the police assistance is required for the purposes of recovery of Rs. 3000/- which was taken by respondent no. 3 from his possession. In my view, the

said argument has no merit as learned counsel for petitioner has not pointed out the description and details of the said Rs. 3000/- which is alleged to have been taken by the respondents. The petitioner is not even otherwise in a position to point out either the serial number, details or denomination of the said Rs. 3000/- which were allegedly taken in the year 2016.

7. I find no infirmity in the view taken by the trial court as the identity of the alleged accused is known. No assistance of the police is required for collecting any evidence. The trial court has permitted the petitioner to lead pre-summoning evidence.

8. In view of the above, I find no merit in the petition. The petition is accordingly dismissed.

SANJEEV SACHDEVA, J

March 08, 2018
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