

\$~47

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

+ **W.P.(CRL) 3369/2019**

ZAHEERUDDIN

..... Petitioner

Through: Mr Akhil Sharma, Advocate.

versus

STATE & ORS

..... Respondents

Through: Mr Ranbir Singh Kundu, ASC for State with Mr Shivam Soharon, Advocate for R-1 with SI Deepak Tanwar, PS Malviya Nagar.
Mr Dilbag Singh, Sr. CGC for UOI with Mr Arun Tewatia, Advocate for R-6 and R-7.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

04.12.2019

CRL.M.A. 41755/2019

1. Allowed, subject to all just exceptions.

W.P.(CRL) 3369/2019

2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent no.4 to lodge an FIR against respondent nos.8 and 9.

3. It is the petitioner's case that his property (admeasuring 3000 sq. yards, Khasra No.77, Khewat Jamabandi No.185, Khatoni No.458 situated at Hamid Sarai, Hauz Rani, Old Begumpur, Malviya Nagar, New Delhi) was trespassed upon. The petitioner had alleged that he had found certain illegal structures raised on the said land. It is pointed out that the petitioner had

filed an application under Section 156(3) of the CrPC for the registration of an FIR, since the police authorities had not taken any action on his complaint. The said application was dismissed by an order dated 24.09.2019 (in CT No.10075/2019).

4. The learned counsel appearing for the petitioner states that the said order was passed on an assumption that the land in question belongs to the L&DO and the same had been allotted to the Samarth Shiksha Samiti for building a primary school. He submits that the status report filed by the authorities did not indicate any such fact. It merely stated that the complainant had joined the investigation. The report did not mention that the said land belongs to the L&DO or the same had been allotted to any party for construction of a school.

5. Mr Kundu, learned ASC submits that the contention advanced by the petitioner that no other documents were filed is incorrect. He states that documents indicating that the said land belong to the L&DO had been filed before the trial court. He further submits that in the event the petitioner is aggrieved by the order dated 24.09.2019, it is always open for the petitioner to prefer a revision petition.

6. Undeniably, the petitioner has an alternative remedy against the order dated 24.09.2019 rejecting his application under Section 156(3) of the CrPC.

7. In view of the above, the present petition is dismissed while reserving the petitioner's right to avail of his other remedies against the order dated 24.09.2019.

VIBHU BAKHRU, J

DECEMBER 04, 2019/MK