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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CRL.REV.P. 193/2019  
SH. LAXMAN ..... Petitioner  
Through: Mr. Shreya Pandey, Advocate

Versus

STATE & ORS. .... Respondents  
Through: Mr. Izhar Ahmed, Additional  
Public Prosecutor for respondent-  
State with SI Harkesh Meena

**CORAM:**  
**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**  
**19.02.2019**

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**Crl.M.A. 3711/2019**

There is delay of 302 days in filing the accompanying revision petition.

In view of averments made in paragraph No.5 of the application, I find that sufficient cause is shown to condone the delay occasioned. The application is allowed and delay is condoned.

Application is disposed of.

**CRL.REV.P. 193/2019 & Crl.M.A. 3712/2019**

Impugned order of 10<sup>th</sup> January, 2018 rejects petitioner's petition under Section 14 of *The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989* by observing as under:-

*“Considering the inquiry conducted by the concerned ACP as well as internal inquiry conducted by the DC/DM, New Delhi, I do not consider it appropriate to register FIR under Section 156(3) Cr.P.C. as no police investigations are*

*required in the present case. The complainant can prove his case by examining the witness under Section 200 Cr.P.C. The application under Section 156(3) Cr.P.C. is dismissed. I take cognizance of the offence and the matter be listed for recording of complainant's evidence under Section 200 Cr.P.C. on 05.04.2018."*

Petitioner's counsel assails the impugned order on the ground that cognizable offence under *The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989* is made out and so, rejection of petitioner's petition by the trial court is erroneous.

Upon hearing and on perusal of impugned order, I find that in petitioner's complaint/ petition, necessary ingredients of offence alleged are missing. Moreover, the inquiry conducted by ACP concerned reveals that no cognizable offence is made out. This Court in *Kusum Lata Vs. State & Ors.* 2016 SCC OnLine Del 1379, while relying upon Supreme Court's decision in *Swarn Singh Vs. State* 2008 (4) RCR (Crl.) 74 (SC) has held that such incident must be in '*public view*' but it should not be any person who is relative or friend of complainant. The expression '*public view*' has to be interpreted to mean that person present should be independent and impartial. In the instant case, the incident in question had not taken place in the presence of any public person.

In view of aforesaid, finding no palpable error in the impugned order, this petition and application are accordingly dismissed.

**(SUNIL GAUR)**  
**JUDGE**

**FEBRUARY 19, 2019**

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