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

+ **W.P.(CRL) 692/2019 & CrI.M.A. 5004/2019**

CHARAN SINGH VERMA Petitioner

Through: **Mr. Anil Sharma & Mr. Bharat
Sharma, Advs.**

versus

STATE AND ORS Respondents

Through: **Mr. R.S. Kundu, ASC with SI Sanjay
Kumar, PS Barakhamba Road, New
Delhi.**

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **07.03.2019**

The grievance raised by the petitioner in this petition presented under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) is that the Metropolitan Magistrate failed to pass any effective order on his prayer under Section 156 (3) Cr.P.C. for direction to the police to “investigate” into his criminal complaint (CC no. 6783/2018) alleging offences punishable under Sections 406/420/409/467/468/471/506 and 120 B of Indian Penal Code, 1860 (IPC), even though Action Taken Report (ATR) *vis-a-vis* the complaint that had been earlier lodged with the police had already come on record on 14.05.2018, the matter being thereafter listed for passing of the orders now on 18.04.2019, there having been inordinate delay.

From copies of the proceedings recorded by the Metropolitan Magistrate beginning with 11.01.2018 and concluding with the last order, statedly of 05.02.2019, it does appear that there has been some delay in consideration of the prayer under Section 156 (3) Cr.P.C. It also, however, must be added here that the Metropolitan Magistrate seems to be laboured under some confusion possibly due to lack of effective assistance, inasmuch as having called for ATR, he initially mentioned in order (dated 05.03.2018) that there was need for conclusion of “enquiry” followed by observations in the subsequent order (dated 11.04.2018) directing the police “to conclude the investigation” the words lastly used giving the impression that there may be a matter pending investigation with the police which might attract the provision of Section 210 Cr.P.C.

Be that as it may, there can be no two opinions about the fact that, on a prayer for such nature, consideration and directions as may be deemed appropriate by the Metropolitan Magistrate must be expeditious.

At this stage, learned counsel submitted that he may be permitted to withdraw the present petition, he undertaking to render proper and effective assistance to the Metropolitan Magistrate for consideration of the prayer on 18.04.2019.

The petition and the applications filed therewith are dismissed as withdrawn. It is hoped and expected that the Metropolitan Magistrate will proceed with the matter with such expedition as is requisite.

Dasti under the signatures of Court Master.

R.K.GAUBA, J

MARCH 07, 2019

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