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

+ **CRL.REV.P. 434/2019**

ASHU KHAN

..... Petitioner

Through: Mr Faran Ahmed, Advocate.

versus

STATE & ANR

..... Respondents

Through: Ms Meenakshi Chauhan, APP for
State with Insp. Ram Niwas, ASI
Beant Kumar, PS Nabi Karim.
Ms Smitakshi Talukdar, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.02.2020

CRL.M.A. 1841/2020

1. This is an application for condonation of delay in filing the application for restoration.
2. For the reasons stated in the application, the delay in filing is condoned.
3. The application is disposed of.

CRL.M.A. 1840/2020

4. This is an application for restoration of the petition, which was dismissed in default.
5. For the reasons stated above, the same is allowed and the revision petition is restored to the position as obtaining on 20.11.2019.

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6. The petitioner has filed the present petition impugning an order dated 10.10.2018 passed by the learned ACMM, under Section 156(3) of the Cr.PC, directing that an FIR be registered in respect of the complaint filed by the respondent.

7. Mr Ahmed, learned counsel appearing for the petitioner states that the Trial Court had called for an Action Taken Report (ATR) and the same had been furnished. He has referred to the said report, which indicates that the concerned police officials had, after noting the facts, concluded that (i) a meeting was held at H-15, Tropical Building, Connaught Place; and (ii) a cash amount of ₹2 lakhs was given to the accused persons including the petitioner at the said office. However, the status report also indicates that the police officials were of the view that no cognizable offence had been committed and the allegations were civil in nature. Mr Ahmed contended that the learned ACMM had failed to consider the said report.

8. However, it is apparent that the learned ACMM did not accept the said report as the court found that the complaint made by the respondent disclosed the commission of a cognizable offence.

9. Ms Talukdar, learned counsel appearing for the respondent has referred to the complaint filed by the respondent, which indicates that a specific allegation, that the complainant had been induced to part with funds on the false promise of supplying a vehicle, was made. Thus, the complaint clearly discloses the commission of a cognizable offence. The question whether the said allegation is correct is required to be investigated.

10. Next, Mr Ahmed submitted that the order passed by the learned ACMM is unreasoned as it does not deal with the contentions of the police officials.

11. It is seen that the order passed by the learned ACMM is very brief and does not specifically reject the contention of the police officials that the dispute is civil in nature, as stated in the ATR. However, the same cannot be considered as non-reasoned as the Trial Court had disclosed its reasons for directing registration of the FIR against the petitioner. It is apparent that the learned ACMM had not accepted the view of the police officials as it had found that the respondent's complaint discloses allegations of the commission of a cognizable offence. And, undisputedly, this would warrant registration of an FIR.

12. In view of the above, this Court finds no reason to interfere with the impugned order. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

FEBRUARY 19, 2020
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