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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2685/2019 & CrI.M.A. 10746-47/2019 & CrI.M.A. 10787/2019**

PANKAJ KUMAR & ANR. Petitioners
Through: Mr. Vedant Bhadwaj, Dr. Suman
Bhardwaj & Mr. Rakesh Kailash
Sharma, Advocates
Versus

MONIKA & ANR. Respondents
Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for respondent
No.2-State

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
20.05.2019

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Trial court vide impugned order of 4th June, 2018 has dismissed petitioner's application under Section 156 Cr.P.C. but Revisional Court vide impugned order of 18th March, 2019 has allowed complainant's application under Section 156 Cr.P.C. while relying upon Supreme Court's decision in *Lalita Kumari Vs. Government of UP and Others* (2014) 2 SCC 1.

Petitioner's counsel submits that no offence under *The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989* is made out and seeks to place reliance upon Supreme Court's decision in *Swaran Singh and Others Vs. State through Standing Counsel and Another* (2008) 8 SCC 435.

Learned Additional Public Prosecutor for respondent-State submits that in pursuance to impugned order of 18th March, 2019, FIR has been registered for the offences under Sections 323/354/452/506/34 of IPC. Counsel for petitioners submits that ingredients of offence under *The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989* are lacking in the instant case.

Upon hearing and on perusal of trial court, impugned order and the decision cited, I find that registration of FIR in this case is justified in view of Supreme Court's decision in *Lalita Kumari (Supra)*. Whether the offences alleged are made out or not, is required to be gone into, after the investigation in this FIR case is complete. Reliability or otherwise of the statement of complainant is not required to be gone into at this premature stage.

In view of the aforesaid, finding no substance in this petition, it is disposed of with liberty to petitioner to avail of the remedies, as available in law. Pending applications are disposed of as infructuous.

(SUNIL GAUR)
JUDGE

MAY 20, 2019

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