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

+ **W.P.(CRL) 3157/2019**

HAR KISHAN

..... Petitioner

Through: Mr Aman Jha, Mr Abhishek Kumar
Suman and Mr Anakash Pandey,
Advocates.

Versus

STATE & ORS.

..... Respondents

Through: Mr Jamal Akhtar, Mr Amanpreet
Singh, Advocates for Mr Rahul
Mehra, Standing Counsel for State
with SI Jyoti, PS South Avenue.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.11.2019

CRL.M.A. 40018/2019

1. Allowed, subject to all just exceptions.

W.P.(CRL) 3157/2019

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “(a) Issue a Writ of certiorari or any other appropriate Writ, order or direction to the District & Sessions Judge, Patiala House Court, New Delhi, to put up the abovementioned matter namely Harkishan Vs. Omita Paul, vide Ct Case No. 123/2019 of the Petitioner-complainant before the competent court.
- b) issue a writ of Certiorari or any other appropriate Writ, order or direction to the District & Sessions Judge,

Patiala House Court, New Delhi, to expedite the abovementioned matter namely Harkishan Vs. Omita Paul, vide Ct Case No. 123/2019 of the Petitioner - complainant in a time-bound manner”

3. The petitioner states that he had filed a complaint under Section 200 CrPC, alleging offence under Section 3(r) & (u) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Sections 120B/506/34 IPC. Since the FIR had not been registered, the petitioner had filed an application under Section 156(3) CrPC. The petitioner’s grievance is that the said application, as well as his complaint under Section 200 CrPC, had not been heard and is being transferred from one court to the other for the purpose of being put up before the competent court.
4. The learned counsel appearing for the State states that the petition may be allowed and the District and Sessions Judge is directed to process the petitioner’s complaint/application under Section 156(3) CrPC, to a competent court.
5. In view of the above, the present petition is allowed and the District and Sessions Judge, Patiala House, New Delhi is directed to ensure that the petitioner’s complaint/application (Ct Case No. 123/2019 captioned ‘Harkishan Vs. Omita Paul’) be placed before the competent court for consideration within a period of four weeks from today.
6. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 13, 2019
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