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

+ **CRL.M.C. 3510/2017**

KIRPAL KOHLI

..... Petitioner

Through **Mr.J.S. Vohra, Adv.**

versus

STATE & ORS

..... Respondents

Through **Mr. Amit Chadha, APP for State.**
Ms.Usha Jomnal, Adv. for R-3 & 4.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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04.02.2020

Vide the present petition, the petitioner seeks direction for setting aside and quashing of the impugned orders dated 07.11.2016 and 09.12.2016 passed by the court of learned MM-07 (Central) Delhi and court of learned ASJ, Tis Hazari, Delhi respectively.

Further seeks directions for registration of FIR on the complaint dated 24.06.2016 and submission of chargesheet.

As stated by the petitioner in complaint dated 24.06.2016, on 27.04.2016, he met with an accident at around 9 p.m. when his scooter was hit by a three wheeler due to which complainant got hospitalised for few days and therefore could not visit the shop for approximately two months. However, on 21.06.2016, when petitioner went to the shop so as to resume the renovation of the shop, he was shocked to see that the wall between his shop and the shop of accused no.1 i.e. shop no.170 was broken and the

accused persons were present there, who were also getting construction work done in shop no.170. The accused no.1 said that he had broken the wall of the area of 8' height and 2' width at the directions of accused nos.2 & 3. The complainant noticed that Rs.20,000/- cash which he had kept in a bag on the evening of 27.04.2016 was missing and the ceiling fan was also missing from the shop.

Petitioner has neither filed any document related to the accident which took place on 27.04.2016 nor any medical certificate prescribing bed rest to him. Moreover, when renovation of the shop was going on, he kept ₹20,000/- therein and did not check the same for approximately two months which cannot be believed.

Vide the impugned order, the learned Trial Court has dismissed the application filed by petitioner under section 156(3) Cr.P.C. However, directed petitioner to lead pre-summoning evidence.

In view of above, I find no illegality and perversity in the impugned order.

Finding no merit in the present petition, the same is, accordingly, dismissed.

SURESH KUMAR KAIT, J

FEBRUARY 04, 2020
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