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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 167/2024, CRL.M.A. 683/2024 & CRL.M.A.  
684/2024

ASIA PRAGATI STRATEGIC  
INVESTMENT FUND & ANR.

..... Petitioners

Through: Mr. Vikas Pahwa, Sr. Advocate  
with Mr. Sanjeev Kumar,  
Mr. Abhishek Kisku, Mr. Anshul  
Sehgal, Mr. Pranshu Paul,  
Mr. Divyanshu Jain & Mr. Garvil  
Singh, Advocates.

versus

HARVINDER SINGH SIKKA & ORS. .... Respondents

Through: Mr. Viraj Datar, Sr. Advocate  
with Mr. Rishi Kumar Awasthi,  
Mr. Usman G. Khan, Mr.  
Abhinav Garg & Mr. Saurav  
Joon, Advocates.

**CORAM:**  
**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**  
**08.01.2024**

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1. The present petition is filed challenging the order dated 19.12.2023, passed by the learned Additional Sessions Judge-05 in Criminal Revision No. 4093/2023 (hereafter “**the impugned order**”).

2. The learned ASJ while passing the impugned order stayed the operation of the order dated 13.12.2023, passed by the learned ACMM-II, Patiala House Courts, New Delhi. The learned ACMM, by order dated 13.02.2023, had allowed the application under Section 156 (3) Code of Criminal Procedure, 1973 and directed the registration of FIR against respondent Nos. 1 to 10.



3. Mr. Vikas Pahwa, learned Senior Counsel for the petitioners, submits that the learned ASJ fell in error in passing the impugned order without assigning any reason whatsoever. He submits that the revision petition before the Learned ASJ was filed by the respondent without even having the copy of the order passed by the learned ACMM. He further submits that the law in relation to Section 156 (3) Cr.P.C. is well settled. In terms of the judgment passed by the Apex Court in ***Lalita Kumari vs. State of U.P.:(2014)2 SCC 1***, the Court is only required to see whether the allegations made by the complainant, disclose commission of a cognizable offence. The Court at this stage cannot go into the merits of the allegations.

4. Mr. Viraj Datar, learned Senior Counsel for the respondents, on the other hand submits that the matter is listed before the learned Revision Court on 10.01.2024, and all grounds which are taken in the present case should to be agitated before the said Court.

5. Mr. Pahwa submits that the interim order of such nature ought not to be passed without assigning any reasons. He, however, without prejudice to his contentions submits that he has no objection to argue the matter before the learned Revision Court on 10.01.2024. He, however, apprehends that the accused persons would delay the proceedings. Mr. Datar assures this Court that on 10.01.2024, the respondents will not take any adjournment and will make all endeavours to conclude their arguments.

6. In view of the submissions made by Mr. Datar, Mr. Pahwa, seeks liberty to withdraw the present petition and agitate all contentions before the learned ASJ on 10.01.2024.

7. The petition is dismissed as withdrawn with the aforesaid



liberty. The petitioner is also at liberty to approach this Court in case any grievance persists.

**JANUARY 8, 2024/‘hkaur’**

**AMIT MAHAJAN, J**