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

+ **CRL.M.C. 261/2024**

**SANJEEV KUMAR**

..... Petitioner

Through: Mr. Kunal Sharma and Mr. Yash  
Punjabi, Advocates.

versus

**STATE (NCT OF DELHI)**

..... Respondent

Through: Mr. Sunil Kumar Gautam, APP for  
the State.  
Insp. Bharat Ratan and SI Baldev, PS  
Tilak Nagar.

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

**ORDER**  
**21.02.2024**

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1. The present petition under Section 482 of the CrPC seeks the following prayers:

“In light of the above-mentioned facts and circumstances, it is, therefore, most respectfully prayed that this Hon’ble Court may graciously be pleased to:

- a. Pass an order allowing the present Crl M.C. and expunging the remarks made and the cost imposed on the Petitioner by the Ld. Additional Sessions Judge, Tis Hazari District Courts, West Delhi, New Delhi vide order dated 07.12.2023.
- b. Pass an order repudiating the remarks and cost imposed on the Petitioner vide order dated 07.12.2023 passed by the Ld. Additional Sessions Judge, Tis Hazari District Courts, West Delhi, New Delhi and direct the DCP concerned to reverse the cost deducted from the salary of the Petitioner in pursuance of the same.
- c. Pass any other further order(s) as this Hon’ble Court may deem fit and



proper in the facts and circumstances of the present case and in the interests of justice.”

2. On an amended memo of parties being filed, notice was issued to respondent no. 2, Mr. Ayush Sharma, which has come back unserved with remarks ‘left away/sold away’.
3. Learned APP for the State, on instructions of the Investigating Officer, submits that the said complainant is not traceable, on account of which a closure report has been filed in the instant FIR.
4. As far as the present petition is concerned, learned counsel appearing on behalf of the petitioner submits that the latter filed the revision petition before the learned ASJ, acting on wrong advice. It is submitted that the petitioner had filed this petition with the *bona fide* intention to invoke the Court’s revisional jurisdiction *qua* the impugned order with respect to territorial jurisdiction and did not intend to derive any personal benefit out of the same. Learned counsel for the petitioner submits that the latter regrets initiating the present proceedings and tenders an unconditional apology for the same.
5. It is submitted that the remarks and directions made by the learned ASJ *qua* the present petitioner would prejudicially affect his career and prays that in the interest of justice, the said remarks be expunged from the record.
6. Heard learned counsel for the parties and perused the record.
7. The revision petition before the learned ASJ was filed by the present petitioner in his capacity as SHO, PS Tilak Nagar, without following proper procedure for the same. However, there is nothing on record to suggest that the same was *mala fide* or for some extraneous reasons. The issue raised by



the petitioner was with respect to territorial jurisdiction. In view of the submissions made on behalf of the petitioner and in the interest of justice, the remarks and directions made by the learned ASJ in paragraphs 12 and 13 of the impugned order dated 07.12.2023 are expunged from the record and set aside.

8. The petition is allowed and disposed of accordingly.
9. Pending applications, if any, also stand disposed of.
10. Needless to state, nothing stated hereinabove is an opinion on the merits of the case.

**AMIT SHARMA, J**

**FEBRUARY 21, 2024/sn**