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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 3849/2024**

**SUDESH CHHIKARA**

.....Petitioner

Through: Mr. Jaipal Singh, Advocate.

versus

**PRINCIPAL DISTRICT AND SESSIONS JUDGE (WEST) DELHI  
AND ANOTHER**

.....Respondents

Through: Mr. Satyakam, ASC, GNCTD.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**  
**19.09.2024**

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1. The Petitioner's grievance arises from denial of certified copies by the Copying Agency under the Principal District and Sessions Judge (West), Tis Hazari Courts, in respect of Complaint Case No. 691/2023,<sup>1</sup> Complaint Case No. 839/2023,<sup>2</sup> and Complaint Case No. 1558/2023<sup>3</sup> which are pending before the Court of Metropolitan Magistrate-08 (West), Delhi.

2. As of now, the Petitioner has not been summoned by the Courts in the three afore-mentioned complaints. However, in response to these complaints, the concerned Courts have directed the Police to submit an

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<sup>1</sup> titled as *Baljeet Singh v. Sudesh Singh & Ors.*

<sup>2</sup> titled *Baljit Singh (Chaina Devi) v. Sudesh Chhikara*



Action Taken Report, following which the Petitioner received notices to participate in the inquiry at P.S. Tilak Nagar, Delhi. While the Petitioner obtained some documents from the Copying Agency upon application, she has not been provided with certified copies of the complaints or the applications filed under Section 156 of the Code of Criminal Procedure, 1973, in relation to these complaints.

3. In this background, counsel for Petitioner asserts that since the Petitioner is arraigned as an accused in the said complaints, she is a party of the said dispute. She has also been issued two notices by P.S. Tilak Nagar to join the inquiries in the complaints. Therefore, Petitioner is entitled to receive copies of the complaints, in accordance with Rule 3 of the Chapter XVII of Volume IV of the Delhi High Court Rules.

4. Having considered the above, the short question before the Court is whether the Petitioner is entitled to the certified copies of the complaints. On this issue, the relevant provision is Rule 3 of the Chapter XVII of Volume IV of the Delhi High Court Rules, which deals with the entitlement of parties to obtain copies of judicial record. The said provision reads as under:

*“Persons Entitled to Obtain Copies - A copy of record shall be granted in the manner prescribed by these rules to any person who, under the law for the time being in force, or under these rules, is entitled to get it. In particular, copies may be granted as follows:-*

*(1) Any party to a civil or criminal case is entitled at any stage of the suit or complaint to obtain copies of the record of the case including documents exhibited and finally accepted by the Court as evidence:-*

*Explanation- (i) “Complaints” include challans*

*(ii) .... ..*

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<sup>3</sup> titled as *Chaina Devi v. Sudesh Chhikara*



*(2) A stranger to a civil or criminal case may, after decree or judgment, obtain copies of the plaint or complaint, written statement, affidavits and petitions filed in the case, as also of the evidence recorded by the Court, and may, for sufficient reasons shown to the satisfaction of the Court, obtain copies of any document before the final order is passed. He may also obtain copies of any judgement, decree or order, at any time after the same has been passed or made but he shall not be granted copies of exhibits put in as evidence except with the consent of the person by whom they were produced or under the orders of the court.”*

5. On a plain reading of the provision extracted above, it is noted that the expression used is “*any party to a civil or criminal case*”. Pertinently, a party is a person or entity whom the Court has formally called upon to participate in judicial proceedings arising from a suit or complaint. Simply being named as a Defendant or Respondent does not make one a party to the proceedings; it is only when the Court takes cognizance and issues summons to such a person that they are considered a party. Until then, the individual remains a stranger to the proceedings and is not entitled to receive certified copies of the relevant record. In such circumstances, as per the aforementioned Rules, in the opinion of the Court, the denial of the certified copies, is in consonance with the Delhi High Court Rules.

6. It is made clear that the Court has not commented or ruled on the rights, if any, of the Petitioner, to obtain such record under the Code of Criminal Procedure, 1973, or the Bharatiya Nagarik Suraksha Sanhita, 2023. The Petitioner is at liberty to pursue such remedies under the aforementioned Codes, if any are available, before the Court of competent jurisdiction.

7. The above order has been passed only on the interpretation of the High Court Rules governing the issuance of the certified copies.



8. With the above directions, the present petition, along with pending application(s), if any, is disposed of.

**SANJEEV NARULA, J**

**SEPTEMBER 19, 2024**

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