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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 593/2024**
RAJPAL SHOKEEN Petitioner
Through: Mr.Manish Sangwan,
Mr.Ashwani Tehlan, Advs.
versus

STATE OF NCT OF DELHI & ORS. Respondents
Through: Mr. Shoaib Haider, APP with
SI Rajat Khajwal.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **02.05.2024**
CRL.M.A. 13292/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.A. 13294/2024

2. This application has been filed seeking condonation of delay of 51 days in refiling of the present petition.

3. For the reasons stated therein, the same is allowed

CRL.REV.P. 593/2024 & CRL.M.A. 13291/2024 & 13293/2024

4. This Revision Petition is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C') read with Section 482 of the Cr.P.C, seeking setting aside/quashing of the order dated 16.09.2021 (hereinafter referred to as the Impugned Order) passed by the learned Metropolitan Magistrate – 08, West District, Tis Hazari Courts, Delhi, whereby the application under Section 156(3) of the Cr.P.C, in Complaint Case No. 749/2021, titled ***Rajpal Shokeen v. Sharif Ahmed & Anr.***, filed by the petitioner has been dismissed.



5. CRL.M.A. 13291/2024 has been filed by the petitioner, seeking condonation of delay of 887 days in filing the present petition.
6. I have perused the contents of the application and find absolutely no ground to condone the delay.
7. The application is accordingly dismissed.
8. Even otherwise, I find no merits in the present petition itself.
9. The petitioner has filed a complaint in relation to the plot of land bearing no. 15, which is a part of Khasra No.17/17, situated at Village Saffipur, Ranhola, Delhi, claiming the title thereof. There is a dispute on the title to the said property. The petitioner has also filed a suit, being Suit No.412/2022, titled ***Rajpal Shokeen v. Sharif Ahmed***, which is pending adjudication before the Court of the learned Additional District Judge, West District, Tis Hazari Courts, Delhi.
10. The learned Metropolitan Magistrate by the Impugned Order has dismissed the application filed by the petitioner under Section 156(3) of the Cr.P.C., observing therein that the dispute was predominantly civil in nature; the petitioner/complainant had knowledge of the identity of the accused persons and witnesses; and evidence was documentary in nature. The learned Metropolitan Magistrate came to the conclusion that no investigation from the police was required.
11. The learned counsel for the petitioner has taken me through the pleadings, including the written statement of the so called accused, and the statement of the accused recorded in the civil suit filed by him. He contends that there are admissions/contradictions in those pleadings and statements, and the same warrant a police investigation.



12. I do not find any merit in the above submission. The statements and the pleadings in the Suit, are matters to be considered by the Civil Court and also by the learned Metropolitan Magistrate in the complaint that has been filed by the petitioner. These would not require or warrant any investigation by the police nor will it make the Impugned Order illegal or perverse so as to warrant any interference from this Court.

13. As enunciated by the Supreme Court in *Sanjaysinh Ramrao Chavan v. Dattatray Gulabrao Phalke and Ors.* (2015) 3 SCC 123, unless the order passed by the Magistrate is perverse or the view taken by it is completely unreasonable, or there is non-consideration of any relevant material or there is palpable misreading of records, the Revisional Court would not be justified in setting aside the same, as the Revisional Court is not to act as an Appellate Court.

14. Accordingly, the present petition is dismissed on the ground of delay in filing, and even otherwise, on merit.

15. There shall be no order as to costs.

NAVIN CHAWLA, J

MAY 2, 2024/Arya/am

Click here to check corrigendum, if any