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

+ **CRL.M.C. 7869/2023 & CRL. M.A.29365/2023**

SATISH CHAUHAN

..... Petitioner

Through: Mr. Deepak Chauhan, Mr. Kamal Chauhan and Ms. Pooja Chauhan, Advocates.

versus

**STATE OF NCT OF
DELHI AND ANR**

..... Respondents

Through: Mr. Aashneet Singh, APP for State with Ms. Rachita Garg, Mr. Agam Rajput and Mr. Aditya Malhotra, Advocates for State with SI Braham Prakash PS Sultanpuri, Delhi.
Mr. Anuj Arya, Mr. Arpit Verma, Mr. Aditya and Ms. Deepshika Chauhan, Advocates for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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09.05.2024

1. By way of present petition filed under Section 482 Cr.P.C, the petitioner seeks to assail the judgment dated 27.05.2023 passed by the learned ASJ, North West Rohini Court whereby petitioner's revision petition being Cr. Rev. 169/2023 came to be dismissed. Vide impugned order, the learned ASJ dismissed petitioner's challenge to the order dated 20.03.2023 passed by learned MM, North West District, Rohini Court, whereby the complainant was permitted to withdraw his complaint under Section 200 Cr.P.C.

2. Briefly, the facts as noted in the impugned order are that the respondent No.2/complainant had initially preferred an application under



Section 156 (3) Cr.P.C along with a complaint under Section 200 Cr.P.C alleging commission of offences under Sections 388/389/500/501/506/120B/34 IPC. On receipt of the said applications, an ATR was requisitioned. The respondent No.2/complainant thereafter sought withdrawal of the application under Section 156(3), which was permitted vide order dated 30.11.2022. Further, vide order dated 20.03.2023, complaint under Section 200 Cr.P.C. was also withdrawn.

3. Learned counsel for the petitioner, who was a proposed accused in the said applications, has assailed both the orders by contending that once an ATR is received, the applications cannot be permitted to be withdrawn and in this regard, he has placed reliance on the decision of the Coordinate Bench of this Court in Dr. Rajni Palriwala v. Dr. D. Mohan & Anr. reported as **2009 SCC OnLine Del 1041**

4. During the course of submissions learned counsel for the petitioner has further contended that subsequently, on a similar complaint, an FIR came to be registered, though he has no details of the same.

Learned APP for the State, on instructions from the IO states that a subsequent FIR being FIR No. 805/2022 came to registered on 22.09.2022 under Sections 341/386/506 IPC at P.S. Sultanpuri. He submits that the said FIR came to be registered on account of subsequent events stated to have occurred on 15.09.2022.

5. Considering that the present petition is only confined to the aforesaid prayers, the petitioner's reliance on the decision in Dr. Rajni Palriwala (Supra) is misplaced inasmuch as in the said case, it has been opined that an application under Section 156(3) Cr.P.C could not have been simply dismissed once an ATR had been called for. The said application could have



been treated as a complaint by the learned MM once he found the police report to be not acceptable for valid reasons. Thus, the petitioner's reliance on the decision is misconceived.

6. The petition is accordingly dismissed being devoid of any merit along with pending application.

MANOJ KUMAR OHRI, J

MAY 9, 2024/rd