



2024:DHC:6450



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 21st August, 2024***+ **W.P.(CRL) 3766/2023**

UMA SHANKAR MEHTA

.....Petitioner

Through: Mr. Satyam Thareja, Adv. (DHCLSC)
with Mr. Pratyaksh Sikodia, Adv.

versus

STATE GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for State
with Mr. Alok Sharma and Mr. Vasu
Agarwal, Advocates.**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)**

1. A Criminal Writ Petition under Article 226 of Constitution of India read with Section 482 Cr.P.C has been filed on behalf of the petitioner challenging the impugned Order dated 02.11.2023 vide which the learned ASJ has upheld the Order of the learned M.M dated 19.05.2023 dismissing the Application under Section 156(3) Cr.P.C.

2. **Briefly stated**, the relationship between petitioner and respondent No.2 Smt. Vandana Mehta his wife and respondent No.3 Deepanshu Mehta his son have become sour over a period of time. According to the Petitioner, respondent No.1, his wife started to coerce him to transfer the 3 storey residential house property constructed by him, in her favour.



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3. On 21.08.2021 both the respondents started abusing and hitting the petitioner over trivial issues and respondent No.2 snatched his car keys. He was thrown out of his own house and the possession illegally retained by the respondents. Despite several complaints to SHO, ACP, DCP and CP, no action has been taken. Hence, the petition under S.156(3) Cr.P.C. along with Complaint under S.200 Cr.P.C. had been filed by the petitioner, for registration of FIR.

4. In the **Action Taken Report** filed by the Respondent No.1, it was mentioned that the complainant was contacted telephonically several times to join the inquiry, but he did not do so. There is a matrimonial dispute between the complainant and his wife. According to his wife, she was threatened by the complainant to withdraw the DV case or else he would lodge an FIR against her. The respondent No.1 also denied having beaten the complainant. Rather, she explained that he hurt himself and then filed a false complaint against her. The injuries sustained by the complainant on the date of alleged incident, were opined as simple. The respondent No.2 further informed that the shop which was in the name of the complainant, has been closed and now she is running her garment shop in the name of Mehta Garments. Public witnesses were examined who stated that the complainant was a quarrelsome man who harassed his wife and children.

5. The **learned M.M had dismissed** the Application under Section 156(3) Cr.P.C. by observing that the complainant is aware of the identity of the accused persons, all the incriminating evidence was within his knowledge and there are no facts which are required to be unearthed through police assistance. It is also not a case of collection of evidence through custodial interrogation of the respondents. The necessary evidence was held



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to be within the reach of the complainant and hence, the Application was dismissed.

6. The **learned ASJ also observed** that in the alleged incident of 21.08.2021 the complainant had received simple injuries. No field investigations were required and the Revisionist can depose about the entire incident in his complaint under Section 200 Cr.P.C. which is pending before the Court. The Order of dismissal of 156(3) Cr.P.C. was upheld in the Revision.

7. **Submissions heard.**

8. The learned M.M has rightly observed that all the evidence in regard to alleged incident of 21.08.2021 is well within the reach of the complainant about which he can depose in his statement before the learned M.M in the Complaint under Section 200 Cr.P.C. which is pending disposal. The learned ASJ has rightly upheld the Order of the learned M.M. dismissing the Application under S.156(3) Cr.P.C.

9. There is no merit in the present Petition, which is hereby dismissed.

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 21, 2024
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