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

+ W.P.(CRL) 3443/2024 & CRL.M.A. 33091/2024

VIVEK KUMAR GAURAV

.....Petitioner

Through: Mr. Rohit Shukla, Advocate with
petitioner in person

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Amit Tiwari, CGSC with Mr.
Himanshu Bhiduri, GP, Mr. Ayush
Tanwar and Mr. Rahul Bhaskar,
Advocates for R-1
Ms. Kanika Agnihotri, Advocate for
R-2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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06.11.2024

1. Present writ petition has been filed seeking directions to all District Courts to expeditiously decide all applications under section 156(3) Cr.P.C./Section 175(3) Bharatiya Nagarik Suraksha Sanhita, 2023 seeking registration of FIR. The petitioner further seeks directions to the police authorities to carry out a preliminary enquiry within a fixed time frame on receipt of information disclosing commission of a cognizable offence.
2. Learned counsel for the petitioner states that there is a conspicuous absence of a specific timeline within which applications under section 156(3) Cr.P.C./section 175(3) Bharatiya Nagarik Suraksha Sanhita, 2023 are to be decided. He states that absence of any timeline leads to inordinate



delay in registration of FIR, rendering the remedy ineffective. He states that due to passage of time, the electronic and scientific evidence like CCTV footages and DNA/forensic evidence gets diminished resulting in ineffective investigation. He states that in the meantime, the applicants are left unprotected as they do not fall under the ambit of victim protection scheme.

3. It is settled law that a Magistrate hearing an application under Section 156(3) Cr.P.C., has to apply its mind and is not bound to direct investigation by police in each and every case. Registration of a case can only be directed after due application of mind. The Magistrate may also treat the application under section 156(3) Cr.P.C. as a complaint and straightaway proceed under Section 200 Cr.P.C. doing away with registration of FIR or an investigation. Therefore, there cannot be a fixed time frame for adjudication of an application under Section 156(3) Cr.P.C. as the same requires the Magistrate to apply his mind to the contents of the application and material before him/her.

4. In the event the petitioner or any other applicant filing an application under Section 156(3) Cr.P.C./175(3) is aggrieved by the inordinate delay in disposal of the application, he/she is always at liberty to approach the superior Courts for necessary directions.

5. Consequently, as *'there is no one size that fits all'*, no general directions are called for. Accordingly, the present petition is dismissed.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 6, 2024/ms