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

+ **CRL.M.C. 1501/2025 & CRL.M.A. 6796/2025**

RAVINDER PAL SINGH

.....Petitioner

Through: Ms. Tanya Agarwal, DHCLSC and
Mr. Gaurav Kalra, Advocates (through
Vc).

versus

CHARANJIT SINGH & ORS.

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State.
SI Dharmendra Sharma, P.S. Patel
Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

22.04.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 528 of the BNSS read with Article 227 of the Constitution of India has been filed seeking the following prayers:-

“It is, therefore, most respectfully prayed before this Hon'ble Court that in the given facts and circumstances of this case, it may, in the interest of justice, be pleased to:

- a. For an order or direction to quash and set aside impugned judgment dated 30.8.2024 in CR No. 423/2023 passed by the Ld. ASJ, West District, Tis Hazari Courts, Delhi; and
- b. For an order to call Trial Court Record in CR No. 423/2023 passed by the Ld. ASJ, West District, Tis Hazari Courts, Delhi; and
- c. Direct strict and appropriate action against the Respondents for their acts of omission/commission, as deemed just and necessary, in the interest of justice and to prevent further harm or violation of rights of petitioner; and
- b. Pass any other relief(s) which this Hon'ble Court may deem fit, just and proper may kindly be passed in favour of the Petitioner, in the



interest of justice.

AND FOR THIS ACT OF KINDNESS THE
APPLICATION/OBJECTOR AS IN DUTY BOUND SHALL EVER
PRAY”

3. Brief facts necessary for the adjudication of the present petition are set out as under:

- I. Respondent Nos.1 and 2 are the brothers of the petitioner and respondent no.3 is the mother of the petitioner. It is alleged that respondent nos.1 and 2 used to beat and harass the petitioner and at the instance of respondent nos. 1 and 2, respondent no.3 often threatened to throw the petitioner out of the house.
- II. It is alleged that on 20.04.2022 respondent nos.1 and 2 gave beatings to the petitioner due to which he suffered injuries. Consequently, the petitioner filed a complaint against the accused persons with SHO as well as the DCP concerned, however no action was taken against them.
- III. Thereafter, the petitioner filed an application under Section 156(3) of the CrPC before the learned Metropolitan Magistrate, Tis Hazari Court. The said application was dismissed *vide* order dated 30.06.2023 by the learned Metropolitan Magistrate.
- IV. The said order was challenged by the present petitioner by way of a revision petition in Cr. No. 423/2023 before the learned ASJ-04, Tis Hazari Courts. The said revision petition was dismissed by the learned ASJ *vide* impugned order dated 30.08.2024.
- V. Hence, the present petition.

4. Learned counsel appearing on behalf of the petitioner submits that a perusal of the complaint dated 22.04.2022 made by the petitioner to the SHO PS Patel Nagar clearly indicates the commission of cognizable offences



punishable under Section 341/506/120B of the IPC, however the same was not taken into consideration by the learned Metropolitan Magistrate as well as the learned ASJ.

5. It is further submitted that *vide* the impugned judgment dated 30.08.2024 learned ASJ failed to take into account the procedural lapses and inordinate delays by the investigating agency. It is pointed out that the ATR was filed almost a year after the complaint was made by the petitioner before the learned Trial Court.

6. *Per contra*, learned APP for the State submits that an enquiry into the alleged incident was made which revealed that the petitioner had visited the police station on the day of the incident, however, he had not suffered any injuries. Further the petitioner was asked to submit a written complaint to SI Rajveer but the same was not done by the petitioner.

7. It is submitted that the dispute between the parties is with regard to a property, which is purely civil in nature, hence no cognizable offence is made out.

8. Heard the learned counsel for the parties and perused the record.

9. Learned Metropolitan Magistrate had dismissed the application filed by the petitioner under Section 156(3) of the CrPC by observing as under: -

“9. Scheme of Cr.P.C and law laid down by the higher courts makes it amply clear that the option to direct the registration of the case and its investigation by the police should be exercised after due application of mind and not in mechanical or routine manner. Further, registration of FIR/ investigation should be directed where the evidence is beyond the reach of the Complainant or the custodial interrogation is necessary. Prima facie, no cognizable offence appears to have been committed. Further, the Complainant is well aware of all the facts & circumstances and all the material/ evidence required to prove the allegations levelled against the accused persons are well within his knowledge & control. Moreover, the identity of the accused



persons is also not disputed.

10. For the foregoing reasons, the application under section 156 (3) Cr.P.C stands dismissed. However, in the interest of justice, Complainant is given one opportunity to prove his case by leading pre-summoning evidence.”

10. Learned ASJ while dismissing the revision petition filed by the present petitioner against the aforesaid order passed by learned Metropolitan Magistrate had observed as under: -

“It is the contention of the revisionist that he has been threatened and beaten by the respondent no. 1 to 3. In the present revision petition as well as complaint case before the Ld. Trial Court, the revisionist/complainant has not filed any medical document to show that he has sustained any injury. Revisionist and respondent no. 1 to 3 are stated to be family members. Revisionist is stated to be brother of the respondent no. 1 & 2 and son of the respondent no.3. In view of the above, it is clear that the parties are ascertained. The facts are within the exclusive knowledge of the revisionist/complainant. There is nothing for which the police assistance is additionally necessary to be called for. The revisionist/ complainant is in a position to lead evidence in the matter. The evidence is within the reach of revisionist/complainant and no custodial interrogation of accused is necessary for recovery of article or discovery of fact.

14. It is pertinent to mention here that vide impugned order dated 30/06/2023 passed by the Ld. Trial Court, application u/s 156(3) Cr.P.C. of the complainant/revisionist was dismissed and the matter was fixed for pre-summoning evidence. The complainant/revisionist in pre-summoning evidence had examined himself as CW-1.

Vide order dated 20/03/2024 passed by the Ld. Trial Court, order on summoning was passed and it is mentioned in the order dated 20/03/2024 that *“Material on record prima facie suggest that the complainant has been able to make out the prima facie case of commission of offence punishable u/s 323 IPC against the accused Charanjeet Singh as there are specific allegations against the said accused of his having hit the complainant on his face and of beating him and pulling the complainant by hair. However, nothing is brought on record to prima facie suggest that proposed accused persons had conspired to cause hurt to the complainant or to commit any other offence. Further, there are no allegations for commission of offence under 341/503/504/506 IPC. Accordingly, no case is made out against*



the remaining respondents. In view of the above, accused Charanjeet Singh be summoned u/s 323 IPC on filing of PF by the complainant within seven days from today, for 01.05.2024. ”

15. There is no dispute regarding the propositions laid down in the case laws relied upon by the revisionist, however, the same are not applicable to the facts and circumstances of the present case.

16. It is well settled law that scope of revisional jurisdiction is very limited and same cannot be exercised in a routine manner.

Applying priori and posteriori reasonings and the aforesaid case laws, this Court is held that there is no illegality, impropriety and infirmity in the impugned order passed by the Ld. Trial Court. Accordingly, the present revision petition of the revisionist is dismissed. No order as to costs. Nothing stated herein shall tantamount to be an expression of opinion on the merits of the case.”

11. It is a well settled principle of law that a second revision petition is not maintainable under section 397(3) of the Cr.P.C. and the scope of challenge of two concurrent findings under Section 482 of the Cr.P.C., is limited. The petitioner had to demonstrate that the concurrent findings of the courts below are perverse and are beyond the facts of the case. For this Court to exercise its inherent powers under Section 482 of the Cr.P.C. in interfering with the concurrent findings of the two Courts below, it has to be demonstrated that the illegality in the said orders go to the very root of the matter and therefore are not sustainable in law.

12. It is a matter of record that ATR was filed before the learned Metropolitan Magistrate by SI Bajrang, SHO, Patel Nagar, whereby an enquiry was made into the allegations made by the petitioner against respondent Nos. 1 to 3. The relevant portion of the said ATR reads as under:

“An enquiry into the matter has been conducted which revealed that the complainant has visited to the police station on that day, but he had not sustained any external injuries as well. He had stated that he was harassed by his mother and his brother. He was asked to submit his written complaint but he did not give any complaint to the SI



Rajvir Singh. Moreover, the statement of the complainant Mr. Ravinder Pal Singh has also been recorded (attached herewith) which revealed that there is a property dispute between the complainant and his real brothers and his mother over the said property, which is purely civil in nature. No cognizable offence is made. Therefore, in view of inquiry conducted so far, allegations levelled in the present complaint could not be substantiated. No cognizable offence is made out.”

13. The aforesaid ATR was duly considered by the learned Metropolitan Magistrate as well as learned ASJ while passing the impugned orders. It has further come on record, as recorded by learned ASJ, that after examining the pre-summoning evidence led by the petitioner, the learned Metropolitan Magistrate has issued summons to the respondent No. 1/accused person, Charanjeet Singh, *vide* order dated 20.03.2024, for the offence punishable under Section 323 of the IPC which is otherwise a non-cognizable offence.

14. In view of these circumstances, this Court finds that the impugned order does not suffer from any legal infirmity or perversity and thus, no grounds for interference with the impugned order are made out.

15. The present petition is dismissed and disposed of accordingly along with all pending applications, if any.

16. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case or pending proceedings and any observations made herein are only for the purpose of the present petition. The complaint case filed by the petitioner shall be decided on its own merits in accordance with law.

17. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.



18. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

APRIL 22, 2025/bsr

Click here to check corrigendum, if any