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

+ **W.P.(CRL) 1021/2023**

NIPUN PARASHAR

.....Petitioner

Through: Mr. Sagar Roy, Advocate.

versus

STATE NCT OF DELHI & ANR

.....Respondents

Through: Mr. Rahul Tyagi, ASC for the State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

20.11.2025

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1. The present writ petition seeks directions to Respondent No. 2 to register and consider on merits the Petitioner's application filed under Section 156(3) of the Code of Criminal Procedure, 1973.¹

2. The relevant facts are undisputed. The Petitioner filed an application under Section 156(3) Cr.P.C. at the filing counter of the Rouse Avenue District Courts,² New Delhi. The application was duly received and, on 12th January, 2023, was marked to the Court of Principal District and Sessions Judge-cum-Special Judge (PC Act), Rouse Avenue Courts. On the same date, however, the application was returned in original to the Petitioner. The stamp impression affixed on the first page by the filing counter was cut out, leaving the space blank.

¹ "Cr.P.C."

² "RADC"



3. Assailing this procedure as contrary to law, the Petitioner has approached this Court, contending that once the application was received, numbered and placed before a Court, it could not have been returned without a judicial order. On this basis, the Petitioner seeks appropriate directions for restoration and consideration of the application.

4. By order dated 3rd September, 2024, this Court called for a report from the Principal District and Sessions Judge, Rouse Avenue Courts, as to the circumstances in which the Petitioner's application came to be returned. The report confirms that: (i) the application under Section 156(3) was duly received in the filing section; (ii) it was placed before the concerned Presiding Judge; and (iii) it was returned to the Petitioner on 12th January, 2023. Thus, it is not in dispute that no judicial order was passed directing return of the file, it was handed to the counsel, solely on the basis of verbal directions.

5. This impugned procedure for the return of a file cannot be sustained in law. Once an application has been received in the filing section, bears the court stamp, and has been placed before a Presiding Judge, any decision to entertain, reject, return, or otherwise dispose of it must be reflected in a written judicial order. There is no warrant, either in statute or in practice, for an application to be removed from the court process on the strength of oral instructions. Such a course of action lacks legal sanction, undermines transparency and accountability in judicial functioning, and deprives the applicant of a formal order that can be challenged or tested in accordance with law.

6. In these circumstances, and without expressing any opinion on the merits of the allegations contained in the Section 156(3) application, the



following directions are issued in order to restore the Petitioner to the position in which he would have stood, had the irregularity not occurred:

- (i) The Petitioner is permitted to re-file the application under Section 156(3) Cr.P.C. before the filing section of the Rouse Avenue District Courts. Upon such re-filing, the application shall be treated as having been filed on 12th January, 2023, for all purposes.
- (ii) The Principal District and Sessions Judge, Rouse Avenue Courts, shall mark the matter to the appropriate Court in accordance with the prevailing roster. The concerned Court shall consider and decide the application by passing a reasoned order, in accordance with law.
- (iii) Having regard to the time already lost on account of the earlier irregular return of the application, the concerned Court is requested to take up the matter and dispose of it expeditiously.

7. With the aforesaid directions, the petition is disposed of.

8. It is made clear that this Court has not examined, and expresses no view on, the merits of the allegations contained in the Petitioner's complaint or on the appropriateness of directing registration of an FIR. All rights and contentions of the parties on the merits of the dispute are left open to be urged before the competent Court.

SANJEEV NARULA, J

NOVEMBER 20, 2025/MK