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

+ **W.P.(CRL) 1075/2024**

VRISHTI

.....Petitioner

Through: Mr. Prashant Sharma, Mr. Brijesh
Verma and Mr. Manoj Kumar
Sharma, Advocates

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC with
Mr. Alok Sharma, Advocate for the
State
Mr. Nilesh Sawhney, Advocate for
R-2 to 4

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

29.10.2025

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1. Writ Petition under Article 226 of Constitution of India read with Section 482 of the Code of Criminal Procedure (Cr.P.C), 1973 has been filed to challenge the Order dated 09.12.2023 whereby the learned ASJ in Revision No. 137/2023 has upheld the Order of learned MM dated 24.01.2023 whereby the Application under Section 156(3) Cr.P.C. has been dismissed.
2. The **main grounds of challenge** are that the Respondent No. 2/Gautam Chawla is the real brother-in-law (*Jija*) of the Petitioner while Respondent No. 3/Drishti Gautam Chawla is the real sister who was working in IB Office at Sardar Patel Marg, IB Headquarter, Delhi.
3. The Petitioner and the Respondents No. 2 to 4 had a close relationship



and used to visit each other regularly. Due to Covid-19 pandemic in the year 2020, the Petitioner was facing financial problem and thus, Respondents No.2 and 3 gave him Rs.1 lakh in cash, in the presence of family members, Petitioner. Complainant's husband Sarvesh Kumar, signed an Agreement paper and some other blank papers. The Complainant also gave 03 cheques drawn on his own account. The Petitioner's mother-in-law, namely, Rajbala also gave 13 cheques drawn on Bank of Baroda, Safdarjang Hospital Branch.

4. After taking the money, the Complainant had given interest and some part of the principal amount to Respondents No. 2 and 3. In January 2021, the Complainant required more money and he again contacted Respondents No. 2 and 3, who gave him Rs.1,65,000/- in cash at the house of the Petitioner on a monthly interest of 4%. The Petitioner continued to pay the interest money and some part of the principal amount to the Respondents No. 2 and 3.

5. The Complainant, her husband and mother-in-law had given Rs.4.5 lacs to Respondents No. 2 and 3 despite which they are claiming that there is outstanding loan amount. On 30.07.2021, the Respondents No. 2 and 3 came to her house and forcefully took away Wagon R LXI car bearing registration No.DL-12CT-0242. Written Complaint dated 13.09.2021 was made by the Petitioner to SHO, P.S. Sarojini Nagar.

6. It is claimed that the offence of theft has been committed by the Respondents, who have also extended threats to the Petitioner. Hence, the Petition under Section 200 Cr.P.C. alongwith Application under Section 156(3) Cr.P.C. was filed by the Petitioner.



7. Learned MM in the Order dated 24.01.2023 observed that it was essentially a case of advancement of friendly loan and the disputes between the parties in regard to repayment of the entire loan amount. There was no commission of cognizable offence *prima facie* disclosed. Hence, the Application under Section 156(3) Cr.P.C. was dismissed and the matter was listed for pre-summoning evidence.

8. This Order of learned MM has been upheld by the learned ASJ in Order dated 09.12.2023 in the Criminal Revision by observing that since the dispute was between the siblings and their in-laws and the entire evidence was well within the knowledge of the Complainant, no police investigation was required for collecting evidence and, the Order of learned MM was upheld.

9. *Aggrieved by the said dismissal, the present Petition has been filed.*

10. **The impugned Order has been challenged on the ground** that a cognizable offence of theft was disclosed in the Complaint. The Application under Section 156(3) Cr.P.C. has been dismissed erroneously on the basis of the Status Report filed by the State. The impugned Order suffers from illegality and is liable to be set aside.

11. It is submitted that directions be issued for registration of FIR.

Submissions heard and record perused.

12. Essentially, the averment made by the Petitioner is that he had secured certain loan from the two Respondents and the mother-in-law had also extended some loan. The Petitioner claims that he has paid some part of the loan alongwith the interest, but the Respondents in order to realize the remaining amount, have taken away his car.



13. It has been rightly held by the learned MM that the entire evidence is well within the knowledge of the Petitioner and no Police assistance is required.

14. In the case of Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhage, (2016) 6 SCC 277, it has been explained that the FIR may be directed to be registered if there is Police assistance required. *“The complainant must avail of his alternate remedy to approach the Magistrate concerned under Section 156(3) Cr. P.C. and if he does so, the Magistrate will ensure, if prima facie he is satisfied, registration of the first information report and also ensure a proper investigation in the matter, and he can also monitor the investigation.”*

15. In the case of Sakiri Vasu vs. State of U.P., (2008) 2 SCC 409 it has been held that:-

“11. In this connection we would like to state that if a person has a grievance that the police station is not registering his FIR under Section 154 CrPC, then he can approach the Superintendent of Police under Section 154(3) CrPC by an application in writing. Even if that does not yield any satisfactory result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156(3) CrPC before the learned Magistrate concerned. If such an application under Section 156(3) is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The Magistrate can also under the same provision monitor the investigation to ensure a proper investigation ”



16. The Order dated 24.01.2023 passed by the learned MM has in view of the facts and circumstances before it, held that *“there does not appear to be commission of any cognizable offence and this court does not deem it feasible to exercise and invoke its discretionary power to issue a direction for registration of FIR as the entire evidence against the respondent/ alleged person is within possession of the complainant and an investigation by the police authority is not required.”*

17. In view of the aforesaid, the learned MM as well as the learned ASJ have rightly has rightly dismissed the Application under Section 156(3) Cr.P.C. It is also pertinent to observe that the Complaint under Section 200 Cr.P.C. is still pending wherein the Petitioner is at liberty to lead evidence to make good his case of theft/extortion/threat.

18. The Petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

OCTOBER 29, 2025

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