



2025:DHC:10801



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

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Reserved on: 11th August, 2025
Pronounced on: 03rd December, 2025

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CRL.M.C. 1568/2021

NARESH TYAGI

S/o Rajbal Tyagi
R/o C-28, Gali No. 3,
Yamuna Vihar Road, North Ghonda,
Delhi-110053

.....Petitioner

Through: Mr. Vikas Arora and Ms. Radhika
Arora, Advocates.

Versus

1. STATE

(NCT of Delhi)
through SHO PS Bhajanpura

.....Respondent No. 1

2. MOHAMMAD NASIR

S/o Shri Abdul Jalil Khan,
R/o House No.C-62, Street No.8,
North Ghonda, Delhi

....Respondent No. 2

3. SUBHASH TYAGI

S/o Rajbal Tyagi
R/o B-5/327,
Yamuna Vihar Road,
Delhi-110053

.... Respondent No.3

4. UTTAM TYAGI

S/o Rajbal Tyagi
R/o C-28, Gali No. 3,
Yamuna Vihar Road,
North Ghonda, Delhi-110053

... Respondent No.4

5. SUSHIL

S/o Jaipal



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R/o C-70/1, Gali No. 6,
Mohanpuri, Maujpur,
Delhi-110053

.... Respondent No.5

6. NARESH GAUR

S/o Late H. R.S. Gaur
R/o Babarpur, Delhi

.... Respondent No.6

Through: Mr. Rajat Nair, SPP with Mr. Dhruv Pandey and Mr. Alok Dubey, Advocates for Delhi Police.
Mr. Mehmood Pracha, Mr. Sanawar, Mr. Jatin Bhatt, Mr. Kshitij Singh, Ms. Sadia Sultan, M.s Nujhat Naseem and Mr. Sikander, Advocates for R-2.

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CRL.M.C. 1653/2021, CRL.M.A. 11615/2021

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Versus

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S/o Shri Abdul Jalil Khan,
R/o House No.C-62, Street No.8,
North Ghonda, Delhi
Through his counsel
Mr. Mehmood Pracha, advocate
Email: mp@legalaxis.net

....Respondent No. 1

2. NARESH TYAGI

S/o Rajbal Tyagi
R/o C-28,Gali No. 3,



2025:DHC:10801



Yamuna Vihar Road, North Ghonda,
Delhi-110053

...Performa Respondent No.2

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S/o Rajbal Tyagi
R/o B-5/327,
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...Performa Respondent No.3

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S/o Jaipal
R/o C-70/1, Gali No. 6,
Mohanpuri, Maujpur,
Delhi-110053

.... Performa Respondent No.5

All through their counsel
Mr. Sanjiv Dagar
Email: sanjiv@legajoist.com

Through: Mr. Mehmood Pracha, Mr. Sanawar,
Mr. Jatin Bhatt, Mr. Kshitij Singh,
Ms. Sadia Sultan, M.s Nujhat Naseem
and Mr. Sikander, Advocates for R-1.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. The aforesaid two Petitions have been filed by the Petitioners as well as State under Section 482 CR.P.C for quashing of the Order dated



13.07.2021 whereby learned ASJ Order has upheld the Order dated 21.10.2020 of Ld. M.M. directing registration of FIR against the Petitioner, on the Complaint of Respondent No.2 Mohd. Nasir and imposed Costs on the Police officials.

2. Briefly stated a Complaint dated 14.04.2020 was filed by Respondent No.2 Mohd. Nasir, wherein he had detailed that on 24.02.2020 he had gone to Max Hospital, Shalimar Bagh where his sister had been operated on 22.02.2020. On their return, as his car reached Khajuri Khas, he saw that there was fire all around. The Police sent them back. He then through the jungle route near Yamuna via Zero Pushta, turned towards Gawandi Road and reached Rubber Factory Chowk. There they saw some rioters who stopped their car, but on query he gave his name as Krishna and that his sister was unwell and that they were taking her home, on which their car was let off. He reached home. The Ola Cab driver was a Muslim, whom he detained at his own house, because there were rioters who were harming the Muslim people.

3. However, the Driver was receiving persistent calls from his wife and he insisted on returning back home. The Respondent then came out to make an assessment of prevailing situation and found that the situation was extremely bad as the rioters were tracing out the Muslims in the area. The Police had barricaded the main gate. On this, he tried to dissuade the cab driver from leaving, but he did not agree and insisted on going back to his house in Psonda, Ghaziabad. Then he accompanied him and left him near Gokalpuri Flyover.

4. The situation worsened further as the rioters were putting the places on fire and were also shooting. On his way back, near Yamuna Vihar, he



met his one non-Muslim friend whose house was in Vijay Park. He dropped him to Vijay Park on his motorcycle.

5. Thereafter, he through Noor Ilahi reached Ghonda near his own lane, where there were 100-150 rioters armed with iron rods, pistols, desi bomb (petrol bomb), swords, etc along with *Naresh Tyagi*, *Subhash Tyagi*, *Uttam Tyagi*, residents of Yamuna Vihar Road, North Ghonda and *Sushil*, resident of Mohan Puri, were present and were indulging in rioting. They all were shouting “*Jai Shree Ram*” “*Naresh Gaur Zindabad*” and were constantly throwing stones bombs, etc. on the Muslim people and were also throwing the bombs at their houses because of which their houses and shops caught fire.

6. In the meanwhile, Naresh Tyagi fired at him and the bullet hit him straight in his eye and his face and left side of the face was severally injured. He reached his house and his father and brother got worried on seeing his condition and they made a call at No.100 and sought help from the PCR, but it was not forthcoming.

7. They sought assistance from an auto driver, who resided in their neighbourhood. After some time, he and his elder brother went to GTB Hospital where he was operated and was discharged on 12.03.2020.

8. The Complainant further alleged that Naresh Tyagi and his friends have been threatening him that in case he took their name to the Police, he and his entire family would be killed. The Complainant asserted that there was an atmosphere of fear in his family and they were scared of even stepping out of the house.



9. The Complainant thus, sought legal action to be taken against Naresh Tyagi, Subhash Tyagi, Uttam Tyagi, Sushil, Naresh Gaur and their friends, whom he could identify.

10. The I.O. in his Status Report endorsed about the incident of rioting, on 24.02.2020. It was further stated that the Complainant had filed his Complaint in the Police Station on 19.03.2020, after a gap of one month. The Chargesheet has been filed but the investigations are still ongoing. Statement of *Mohd. Nasir* has been recorded. Both, *Naresh Tyagi and Uttam Tyagi* were interrogated and it was revealed that they were not present in Delhi and had gone to the village to attend the family function. The CDR was also obtained, but no evidence was found against them. The learned M.M,

11. The *learned M.M vide Order dated 21.10.2020* considered the Complaint under Section 200 along with Section 156(3) Cr.P.C filed by Mohd. Nasir, wherein the allegations as narrated above, were stated and directed registration of FIR. However, he observed that a cognizable offence was disclosed and directed the SHO to register the FIR under appropriate Sections within 24 hours and to file a Compliance Report.

12. This Order was challenged by the State by way of *Criminal Revision No.23/2020* before the learned ASJ, before whom a contention was raised that for the same incident, *FIR No.64/2020* was registered at Police Station Bhajanpura, on the statement of ASI Ashok, wherein it was recorded that there was a large scale conflict between Pro-Citizenship Amendment Act (CAA) Group and Anti CAA Group which led to large scale arson, vandalism, injuries to persons, murders. It was further recorded in the FIR that the *Respondent had suffered gunshot injury on the spot*, on the said date



during the incident. Also, aside from him, six other persons namely *Ali Hassan, Altaf, Javed, Aman, Faizi and Adnan* had also suffered gunshot injuries. All these people had been taken to the Hospital by their family members and not by the Police.

13. *In the Status Report, the State had admitted about the Respondent* having received gunshot injury on 24.02.2020 and also that his MLC was prepared at GTB Hospital. However, it was contended that FIR No.64/2020 in regard to this incident had already been registered at P.S. Bhajanpura on 25.02.2020 and the grievance of the Respondent had been suitably addressed as he was made a witness in the case.

14. It was further stated that during the investigations, all the accused persons named by the Respondent in his Complaint dated 19.03.2020, were thoroughly investigated, but no evidence was found against them. In fact, Naresh Tyagi and Uttam Tyagi were not even found present in Delhi at the relevant time, while Sushil was on duty, but nothing was stated about Naresh Gaur. It was thus, contended that *once an FIR has already been registered, the second FIR for the same incident cannot be directed to be registered.*

15. The **learned ASJ** in detail considered the investigations carried out in FIR No.64/2020 and pointed out various discrepancies in recording the proceedings in the Case Diaries and observed that it revealed a shocking state of affairs. It **was held** that the investigations in the case FIR No.64/2020 P.S Bhajanpura had been done in the most casual, callous and farcical manner. It was further observed that no investigations have apparently been conducted *against the named accused Naresh Gaur*. No separate FIR had been registered on the subsequent Complaint of



Respondent dated 03.07.2020, wherein he clearly stated that he was getting threats to his life, by the persons named in his Complaint.

16. Ld. ASJ placed reliance on Manharibhai Muljibhai Kakadia & Anr. Vs. Shaileshbhai Mohan Bhai Patel & Ors. (2012) 10 SCC 517 and directed that a separate FIR be registered and proper investigations be undertaken. If the Chargesheet is filed against the named persons, then they are at liberty to exhaust their remedies available to them. Accordingly, ***the Revision Petition was dismissed with the cost of Rs.25,000/-*** to be deposited in Delhi Legal Services Authority by DCP, North East within one week and that the said amount be recovered from the Petitioner and his supervising Officers, who have miserably failed in the statutory duties in this case, after holding a due enquiry in this regard.

17. ***Aggrieved by the said Order, the Petition CRL.M.C. 1568/2021 has been filed by Naresh Tyagi*** against the directions for registration of FIR of learned M.M., which has been upheld by learned ASJ, *vide* Order dated 13.07.2021.

18. The **grounds of challenge** are that it has not been appreciated that as per the Section 210 Cr.P.C., if an offence is investigated by the Police, then no orders under the Complaint can be passed. FIR No.64/2020 P.S. Bhajanpura had already been registered in respect of this incident and even the MLC of Respondent No.2/Complainant was a part of the same. It has not been appreciated that due investigations were carried out in FIR No.64/2020 and no offence was found against the named persons namely Naresh Tyagi and Uttam Tyagi, who were found to be out of Delhi.

19. The learned MM, despite the Status Report and the investigations undertaken in FIR No.64/2020, has directed the registration of the present



FIR. Furthermore, in the *Revision Petition*, the Petitioner had not been made a party. He was not even aware of the Orders of the learned M.M dated 21.10.2020 and of learned ASJ dated 13.07.2021. The Petitioner has been arrested by the Police in the present ***FIR No.104/2020*** on the allegations of causing injuries to one Zulfikar on 24.02.2020.

20. The Petitioner has sent various Representations to the Higher Police Authorities claiming that he was not even present in Delhi on the date of incident i.e. 24.02.2020. On his Representation, the investigations were carried out and it has been established that he was not present in Delhi and the Police had got him discharged from the custody, *vide* Order dated 24.08.2020. It has not been appreciated that FIR No.64/2020 had been registered in respect of the same incident of 24.02.2020, which is under investigations.

21. Reliance is placed on *Krishan Lal Chawla vs. State of U.P & Ors.* SLP (Crl.) 6432/2020, wherein it was held that the Trial Courts and the Magistrates are the first line of defence for both the integrity of the criminal justice system and for the harassed and distort litigant. The Trial Courts have a power to not only decide on acquittal or conviction, but also to nip the frivolous litigations in the bud even before it reached the stage of trial. They have a responsibility in safeguarding the fundamental rights of the citizen of India.

22. As per **Section 401 Cr.P.C.** it was incumbent upon the Revisional Court to ensure the participation of the Petitioner in the Revision Petition, but no such efforts were made to implead him in the Revision Petition. The Complainant instead of joining investigations or insisting for monitoring of investigations in FIR No.64/2020 had approached the Court for registration



of separate FIR and de novo investigations, which is not tenable in law. Reliance is placed on Baldu Paswan vs. State; Dharam Pal vs. State of Haryana and Vinubhai Haribhai Malviya vs. State of Gujrat & Anr.

23. In the end, it is asserted that the Petitioner is an innocent person and his innocence has already been established when he was released by the Order of the Court on 24.08.2020 which has already attained finality. *It is, therefore, submitted that the impugned Order dated 13.07.2021 of learned ASJ, be set aside.*

CRL.M.C. 1653/2021 by the State:

24. The State through SHO, P.S. Bhajanpura has filed a **CRL.M.C. 1653/2021**, under Section 482 Cr.P.C. to challenge the Order dated 13.07.2021 of learned ASJ on the grounds that in the impugned Order, the learned ASJ while upholding the Order of the learned M.M. directing registration of FIR has ignored the provisions of Section 210 Cr.P.C.

25. The *main grievance of the Petitioner State* is that the Order of imposition of cost to be deposited by the office of DCP, is against the law. It is submitted that such cost has been imposed without giving a right of hearing to the Petitioner. Reliance is placed on Deputy Commissioner of Police vs. Badlu Paswan 2016 SCC OnLine Del 1246. Further reliance is placed on Divine Retreat Centre vs. State of Kerala & Ors. Crl. Appeal No.472/2008 decided on 11.03.2008 wherein the right of a person to be given an opportunity of being heard who is going to be affected, was upheld. Reliance is also placed on Krishan Lal Chawla vs. Union of India, wherein the Apex Court has directed the District Judiciary to work effectively to reduce the burden of pendency of cases.



26. It is further submitted that learned ASJ has referred to provisions of Delhi High Court Rules, but has overlooked the circumstances in which adverse remarks may be passed. It has not been considered that the Complainant is a victim and his statement had already been recorded during the course of investigations and on some aspects supplementary investigations are still in progress and there was no occasion to register a separate FIR.

27. The allegations made by the Complainant in his Complaint, pertains to the same incident of 24.02.2020 in respect of which the FIR No.64/2020 already stands recorded. The learned ASJ has made extensive reference to the entries made in the Case Diary, but has failed to appreciate that the Case Diary is a privileged document and reference of its contents, should not be made in the Judicial Order especially when the trial is yet to commence. The Apex court in Niyamavedi vs. CBI had observed that in case Diary is shown to the Court, the Court should refrain from making any reference to it in the Order.

28. Serious remarks have been made against the investigations even prior to the commencement to the trial, which is contrary to the basic law that no finding should be given in the midst of trial. This is more so when adverse remarks made, are bound to effect the fate of the trial which is yet to commence.

29. Reference is also made to Praveen Malhotra vs. State Appeal No.161 of 1990 decided on 20.02.1990, wherein it was observed that the Courts cannot allow emotional and sentimental feelings, to come in the judicial proceedings.



30. A prayer is, therefore, made that the Order dated 13.07.2021 of learned ASJ be set aside.

31. A Reply has been given by Respondent No.1 Mohd. Nasir Complainant in both the Petitions, who has claimed that the present Petition is frivolous and abuse of process of law. It is asserted that the Petitioner is attempting to re-agitate the issues which have been finally settled, vide impugned Order dated 13.07.2021 and the contentions of the Petitioner are barred under Section 397(3) Cr.P.C. Moreover, the Order of the learned ASJ is an interlocutory Order as no right of the Petitioner has been decided and the present Petition is barred under Section 397(2) Cr.P.C.

32. The Petitioner has attempted to sidestep these restrictions, by invoking the extraordinary jurisdiction of this Court under Section 482 Cr.P.C in a mala fide attempt to harass and threaten the Respondent. Moreover, the Petitioner has attempted to agitate a personal grievance and therefore, cannot be permitted to act on behalf of the State. If the Petitioner has any personal grievance, he must file a separate Petition in his personal capacity and implead the State as a separate Respondent. The present Petition in the circumstances deserves to be dismissed on the sole ground that SHO P.S. Bhajanpura is trying to play a fraud upon the Court, by way of the present Petition.

33. On merits, the Respondent has contended that he had suffered life-threatening injury in the heinous, horrendous crime which took place on 24.02.2020, for which the official of P.S. Bhajanpura refused to entertain his Complaint and no FIR was registered. It is only pursuant to the directions of the learned M.M under Section 156(3) Cr.P.C. that the present FIR was registered.



34. It is asserted that in the mean time, FIR No.64/2020 was registered which pertains to an incident wherein it is alleged that two separate groups one pro-CAA and the other anti-CAA protestors had clashed with each other and several persons were injured.

35. It is further submitted that *Naresh Tyagi* who had shot the Respondent and Uttam Tyagi, are also an accused and were arrested in FIR No.52/2020 for the murder of one Parvez which took place on 25.02.2020. The said FIR had been investigated by the Crime Branch and it has come to the finding that these two persons were present in Delhi on 24.02.2020 as well as 25.02.2020, clearly reflecting that the Police has not conducted the investigations properly and had pronounced a verdict of *Not Guilty* in favour of Naresh Tyagi and Uttam Tyagi for the reasons best known to them.

36. Moreover, the Complaint of the Respondent pertained to a completely separate and different incident to the one which is the subject matter of FIR No.64 of 2020 and is materially different in respect of contents, details, place of incident and allegations.

37. These aspect have been rightly appreciated by the learned M.M., who had directed the registration of present FIR. The official of Police Station Bhajanpura instead of complying with the directions of M.M. for registration of the FIR, maliciously preferred Revision Petition before the learned ASJ wherein similar contentions were raised, though the Revision was dismissed and ultimately the FIR No.104/2020 was registered. It is claimed that in FIR No.64/2020, Section 307 IPC had not been invoked. False and frivolous entries were made in the Case Diary with an intent to protect and shield the real perpetrators of crime, which had resulted in life threatening injury to the Respondent/Complainant.



38. *The Respondent has further contended that the State* before the Revisional Court had stated that they had arrested certain persons without any evidence and had booked them simply to save the actual perpetrators of crime. Strangely, all the accused persons belong to the same community of the Respondent. In the communal riot situation, arresting persons of one community for the offences committed against the members of the same community, without any evidence or proof is indicative of oblique motives and not of professional, impartial, unbiased and free and fair investigations. The manner in which the investigation has been done and false implication of persons has been done and the intention of the officials to shield the real culprits, has been duly noted by the learned ASJ.

39. It is thus, submitted that the contentions raised by the State in the Petition are without merit and liable to be dismissed.

Submissions heard and record perused.

40. The proposed Citizenship Amendment Act (CAA) prompted widespread protests and riots amongst the supports and the anti-CAA group. One such incident is of 24.02.2020 which resulted in the registration of FIR No.64/2020 on the statement of ASI Ashok Kumar. He, in his Statement narrated the entire incident of rioting which happened in the area of Ghonda, wherein CAA supporters and anti-CAA persons had clashed and rioting consequently ensued.

41. It was specifically mentioned in this FIR that the people involved caused rampant damage to the houses, vehicle, shops etc and also involved in acts of arson. Pelting of stones and firing took place and many people suffered injuries in this incident who were taken to the Hospital. After this FIR, a *rukka* was prepared by SI Naim Ali who noted that he along with



Const. Dinesh went to GTB Hospital, where he collected the MLCs of *Aman, Faizi, Adnan, Mohd. Nasir (Respondent No.2), Altaf and Ali Hassan*.

42. On the MLC of *Mohd. Nasir, Respondent No.2*, the Doctor had noted the “*alleged history of gunshot injury*”. The injured persons were found present in the Hospital, but none of them gave their statements.

43. Thereafter, the SI came to the Police Station and on the Complaint and *rukka*; the FIR No.64/2020 was registered.

44. It is evident from the FIR itself, that in this incident Respondent No.2 Mohd. Nasir had suffered injuries which were duly noted in the *Rukka* and the investigations were accordingly, undertaken.

45. The Respondent No.2 had filed a separate Complaint dated 18.03.2020 narrating the entire incident and sought a FIR to be registered. No FIR on the Complaint was registered by the Police, but the learned M.M while allowing the Application under Section 156(3) Cr.P.C vide Order dated 21.10.2022 directed the registration of FIR. Pertinently, this Order is cryptic and notes “*In the given circumstances the facts disclose the commission of cognizable offence. Accordingly, I direct the concerned SHO to register an FIR under appropriate Sections of law within 24 hours...*”. In the Order of Revision dated 13.07.2021 learned ASJ considered the earlier registered FIR No.64/2020 in regard to the same incident, but upheld the order of the learned M.M directing the registration of separate FIR.

46. The **pertinent question which arises** is whether the incident as narrated in the Complaint dated 18.03.2020 by Respondent No.2, was already a subject matter of the earlier registered FIR No.64/2020 and



therefore, whether the second FIR in respect of the same incident, was merited.

47. As has been narrated above, it is evident that the incident of rioting and of the Respondent No.2 Mohd. Nasir being injured by suffering a gunshot injury in that rioting was clearly recorded. So much so, even a MLC had been collected by the I.O SI Naim Ali. Once, an FIR No.64/2020 in respect of this incident got recorded, there is no ground or basis for directing the registration of another FIR, on the same incident.

48. Pertinently, what emerges from the submissions Complainant Mohd. Nasir is that he has tried to project that these were two separate incidents, but from the bare perusal of the FIR No 64/2020 and the Complaint of the Respondent under S.200 Cr.P.C. it is evident that the incident pertained to the same rioting which took place on 24.02.2020. These are not two separate incidents requiring separate registration of FIRs.

49. *The next aspect* which emerges is that the Complainant Mohd. Nasir was aggrieved as while investigating FIR No.64/2020, a clean chit had been given to Accused Uttam Tyagi and Naresh Tyagi by noting that they were not present at Delhi at the relevant time as they had gone to the native place for attending the family function, whereas Sushil was present in his Office on duty and no investigations were done in respect of the fourth named suspect Naresh Gaur.

50. It is highlighted by the Complainant that in regard to these rioting, **another FIR No. 52/2020** were registered in which *Uttam, Naresh Tyagi, Sushil and Naresh Gaur* had been made an accused therein indicating that they were very much present in Delhi on 24/25.02.2020 and were the perpetrators of crime against the Complainant.



51. It, therefore, emerges that *the main grievance* is in regard to the investigations not being conducted properly in the FIR No. 64/2020. This is also evident from the fact that despite the Mohd. Nasir and other injured found present in the Hospital and their MLCs were collected, their statements were not recorded on the pretext that they were not willing to give their statements. No apparent effort was made by the I.O., to record their statements even subsequently.

52. It is evident that there is selective and poor investigations conducted in the FIR No.64/2020. The grievance of the Respondent that the actual culprits have been let off, can still very well be addressed in the FIR No.64/2020 whereby further investigation in the same FIR, can be sought, considering the aspects which have not been investigated or else the named accused can be summoned under Section 319 Cr.P.C at the appropriate stage at the appropriate stage whose name may emerge in the evidence as accused or the Complainant can file a Protest Petition and seek further investigations in the FIR, on the aspects which have not been investigated.

53. The Complaint of Mohd. Nasir narrates incident which is not independent of that in respect of which FIR NO.64/2020 already stands recorded. Therefore, no separate FIR could have been directed to be registered.

54. Therefore, the Order directing registration of subsequent FIR, is hereby, quashed and the Petition **CRL.M.C. 1568/2021 is allowed.**

55. **The second Petition bearing CRL.M.C. 1653/2020** has been filed by the SHO, P.S, Bhajanpura seeking quashing of the scathing remarks made against the investigations by referring to the Case Diaries and the imposition of cost upon the Investigating Officer.



56. The *Case Diaries* are required to be maintained by the Investigating Agency to correspondingly record the day to day investigations being carried out, with an objective of ensuring that the proceedings are recorded correctly and there is no subsequent manipulation. In the case of Niyamavedi vs. CBI, extensive reference at some length had been made to the material disclosed in the course of investigation to examine the contention of alleged involvement of the Respondent in the crime while writing the judgment. **It was observed** that if Case Diary is shown or is called by the Court, it should refrain from making a reference to it in its Order. It was further observed that the limited use can be made of the statement of the Police and the Police diaries even in the course of trial as set out in Section 162 and 172 of Cr.P.C. Therefore, the Court must refrain from disclosing in its Order, material contained in the Diaries and the statements especially when the investigation of the case is in progress.

57. The learned ASJ, therefore, fell in error in extensively quoting from the Case Diaries of FIR No.64/2020 in order to come to a conclusion that “*slipshod and lackadaisical investigations were carried out by the Police*”. While the Court could have referred to the *Case Diaries* for its own personal satisfaction, but it fell in error in quoting extensively from the Case Diaries, in its Order dated 13.07.2021. Therefore, all the references made to the Case Diary in the impugned Order are hereby, expunged and shall not be referred to in any manner during the trial.

58. The other grievance of the Revisionist is the imposition of cost of Rs.25,000/-, by the learned ASJ. While it cannot be overlooked that the investigations had various gaps and had not been conducted diligently, but there is nothing to show that it was done intentionally.



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59. Therefore, the cost of Rs.25,000/- imposed on the SHO, Bhajanpura and the Department, is therefore set aside.

Conclusion:

60. The CRL.M.C. 1568/2021 is hereby, allowed and in terms of Section 210 Cr.P.C the Complaint dated 18.03.2020 stands merged with the FIR No.64/2020.

61. CRL.M.C. 1653/2021 is also disposed of with the observation that the reference to the Case Diaries shall not be considered and that the cost of Rs.25,000/- imposed is hereby, set aside.

62. The two Petitions are accordingly disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

DECEMBER 03, 2025

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