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

+ **CRL.M.C. 7172/2025**

**MALABATI CHAUDHARY THROUGH SPA HOLDER
SHRIKANT CHAUDHARYPetitioner**

Through: **Dr.M.K. Gahlot and Mr.B.S. Yadav,
Advocates**

versus

**STATE NCT OF DELHI THROUGH ITS SHO POLICE STATION
WAZIRABAD & ORS. & ORS. & ORS.Respondents**

Through: **Mr.Digam Singh Dagar, APP for the
State**

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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10.10.2025

CRL.M.As. 30149-50/2025 (Exemptions)

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

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1. The petitioner herein seeks setting aside of the order dated 17.07.2025 *vide* which his revision petition was dismissed which was filed challenging the order dated 12.02.2024, wherein his application filed under Section 156 (3) Cr.P.C. was dismissed.
2. Dissatisfied thus, with the inaction on the part of official respondents, the petitioner/complainant seeks issuance of directions to them to conduct an investigation and register a case.
3. Heard.

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4. Learned counsel for the petitioner argues that the investigating agency is not proceeding in a fair and just manner and even his revision against the dismissal of 156(3) application was dismissed *vide* the impugned order. He has further relied upon the judgment dated 29.10.2024 passed by a Coordinate Bench of this Court in ***CRL.REV.P. 988/2018*** titled “***Sh.Lallan Sah vs. Ravi Kumar Pasi***”.

5. Learned APP appears on service of advance copy of the petition. He opposes the petition arguing that the application filed under Section 156(3) as well as revision petition have been dismissed, respectively as no evidence has been unearthed to register the case.

6. Having gone through the judgment passed in ***Sh.Lallan (Supra)***, I am of the view that there is no quibble on the proposition of law that has been enunciated therein. However, in the facts and circumstances of the present case, the same is not applicable to the case of the petitioner herein.

7. Be that as it may, in my opinion, the petitioner ought to have availed other available legal remedies for redressal of his grievance before approaching this Court.

8. Ordinarily, in cases of grievances arising from unfair or improper investigation of a complaint, the aggrieved person can seek recourse by approaching a superior police officer as per Section 30 Bharatiya Nagarik Suraksha Sanhita, 2023. If the grievance remains unaddressed, one can then approach a Magistrate of competent jurisdiction under Section 175(3) Bharatiya Nagarik Suraksha Sanhita, 2023, who can seek submission of a report by the police. Specific reference may also be had to para 26 of the judgment in ***Sakiri Vasu versus State of U.P. and Others, (2008) 2 SCC 409***, which is reproduced hereinunder:



“...26. If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) CrPC or other police officer referred to in Section 36 CrPC. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) CrPC instead of rushing to the High Court by way of a writ petition or a petition under Section 482 CrPC. Moreover, he has a further remedy of filing a criminal complaint under Section 200 CrPC. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?...”

9. In the premise, instant petition is disposed of along with pending application(s), if any.
10. Petitioner is at liberty to take recourse to the remedy as may be advisable in accordance with law, including filing of criminal complaint before competent Court under Section 200 CrPC (Section 223 BNSS) in terms of ***Sakiri Vasu*** judgement *ibid*.
11. The petition stands disposed of in the aforesaid terms.

ARUN MONGA, J

OCTOBER 10, 2025
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