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

+ **W.P.(CRL) 3445/2025**

UJJAWAL KISHORE DIXIT

.....Petitioner

Through: Mr. Rohit Kumar, Mr. Naveen
Kumar, Mr. Lalit Nagar, Advs.

versus

STATE (NCT OF DELHI) AND ANR

.....Respondents

Through: Ms. Rupali Bandhopadhya, ASC and
Mr. Abhijeet Kumar, Ms. Amisha
Gupta, Advs. with SI Amit Kumar, SI
Harshardhan.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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17.10.2025

CRL.M.A. 31339/2025 (exemption from filing certified copies etc.)

Allowed, subject to all just exceptions.

The application stands disposed-of.

W.P.(CRL) 3445/2025

1. The present Writ Petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking directions for registration of an FIR and for a fair, impartial, and independent investigation into the assault on the petitioner that occurred on 26.10.2024 within the Karkardooma Court premises.

2. Learned counsel for the Petitioner submits that the Petitioner, a law



graduate and presently serving as Executive Director in a professional firm at Pune, belongs to a respectable family, his late father being a retired IAS officer. It is submitted that his wife, filed multiple proceedings at Karkardooma Courts against him, where her brothers and sister are practicing advocates and her brother-in-law is a sitting District Judge, who has been misusing his position to influence proceedings against the Petitioner. It is emphasized that a false FIR No.198/2024 was registered under Sections 498A, 313, 506, 34 IPC at P.S. Shahdara under the said influence, and the Petitioner was illegally arrested without compliance of Section 41A CrPC. During custody, he was coerced to sign cheques worth Rs. 10 lakh and an MoU to pay Rs. 25 lakh and Rs. 1.5 lakh monthly as a precondition for bail.

3. It is further submitted that his designated counsel was replaced by one connected to the wife's family, and the bail order dated 09.05.2024 was deliberately withheld. The Petitioner was later summoned and assaulted on 26.10.2024 inside Karkardooma Court premises by his wife's brother and others in full public view, yet no FIR has been registered despite prompt complaints to senior police officials. It is submitted that the police have acted under pressure and misused their duty by shielding influential persons. It is further submitted that even summons in the DV and maintenance cases were served through policemen sent from Delhi to Pune, showing misuse of official machinery.

4. Issue notice. Notice is accepted by learned APP for the State.

5. Having considered the submissions advanced and the material placed on record, this Court finds that the principal grievance of the Petitioner pertains to the alleged inaction of the police authorities in registering an FIR



with respect to the incident of assault dated 26.10.2024 within the Karkardooma Court premises. The Petitioner seeks directions under Article 226 of the Constitution read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), for registration of an FIR and for an independent investigation. However, it is well settled that when a person is aggrieved by non-registration of an FIR, an efficacious alternative statutory remedy is available under section 173(4) BNSS (corresponding Section 154(3) Cr.P.C) and, thereafter, under section 175(3) BNSS (corresponding Section 156(3) of the Code), enabling the aggrieved person to approach the jurisdictional Magistrate to seek appropriate directions for registration and investigation. The extraordinary jurisdiction of this Court under Article 226 is not to be invoked as a matter of routine when the statute itself provides a specific mechanism for redressal of such grievances.

6. It is trite law that the extraordinary jurisdiction of this Court under Article 226 is not to be invoked where a specific and efficacious statutory remedy is provided by law. The Supreme Court in **Sakiri Vasu v. State of U.P.** (2008) 2 SCC 409, held that in cases concerning non-registration of FIR, the aggrieved party should ordinarily approach the Magistrate under Section 156(3) CrPC, as the proper remedy, instead of directly invoking the writ jurisdiction of the High Court, which is to be exercised only in exceptional circumstances. The relevant para is as under;

“25. We have elaborated on the above matter because we often find that when someone has a grievance that his FIR has not been registered at the police station and/or a proper investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482 CrPC. We are of the opinion that the High Court should not encourage this practice and should ordinarily refuse to interfere in such matters and relegate the



petitioner to his alternating remedy, first under Section 154(3) and Section 36 CrPC before the police officers concerned, and if that is of no avail, by approaching the Magistrate concerned under Section 156(3).”

7. In view of the above, this Court is of the considered opinion that the writ petition is not maintainable, as the petitioner has an efficacious alternative remedy under section 175(3) BNSS (corresponding Section 156(3) CrPC) to approach the jurisdictional Magistrate for appropriate relief. The extraordinary writ jurisdiction cannot be invoked to bypass the statutory mechanism prescribed by law.

8. Accordingly, the present writ petition is dismissed with liberty to the petitioner to avail appropriate remedy before the competent Magistrate in accordance with law.

RAVINDER DUDEJA, J

OCTOBER 17, 2025/na