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

+ **W.P.(CRL) 3645/2025**

JAI PARKASH

.....Petitioner

Through: Appearance not given.

versus

THE STATE NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC with Mr. Arjit Sharma and Ms. Sakshi Jha, Advts. with Insp. Kuldeep Kumar and SI Kuldeep, P.S.Sabzi Mandi, Rly Station

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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07.11.2025

CRL.M.A. 32789/2025 EXEMPTION

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 3645/2025

1. The present Writ Petition has been filed under Article 226 of the Constitution of India read with Section 528 of the BNSS, 2023, seeking issuance of a writ of mandamus or any other appropriate writ, order, or direction directing the Respondents to register an FIR against the proposed accused persons for physically assaulting the Petitioner, snatching his smartwatch and other articles, beating him, attempting to throw him out of the running train, and threatening him with dire consequences.



2. Learned counsel for the Petitioner submits that on 27.03.2025, at around 8:40 a.m., while the Petitioner was travelling by train near Narela Station, Delhi, he was wrongfully restrained, assaulted, threatened, and robbed of his personal belongings including a smartwatch by one Vikas and two unknown persons. The Petitioner immediately called the PCR at 112 and thereafter lodged a written complaint at PS Subzi Mandi, Delhi the same day. However, it is alleged that despite repeated follow-ups, both personally and telephonically, no FIR was registered, nor was any acknowledgment issued by the police. It is further submitted that subsequent representations were made through emails dated 01.04.2025 and 18.09.2025 to the DCP, ACP, and Commissioner of Police, Delhi, as well as physical representations were also made before the DCP (Outer North) vide diary no. 2409 dated 09.04.2025, but no response or action was given. Furthermore, the Petitioner, aggrieved by such inaction, had also approached the Learned Chief Metropolitan Magistrate, Rohini, under Section 175(3) read with Sections 210 and 223 of BNSS, seeking directions for registration of FIR, however, despite filing of multiple applications and submissions before the JMFC, including written arguments dated 11.09.2025, the grievance still remains unaddressed.

3. It is further submitted that although the complaint was transferred to GRP Sonipat and the Petitioner duly cooperated by recording his statement on 01.05.2025, no FIR has yet been registered. It is further submitted that the refusal of the police to register a cognizable case, despite clear disclosure of offences such as extortion, snatching, assault, and criminal intimidation, is arbitrary, illegal, and violative of the law laid down by the Supreme Court in ***Lalita Kumari v. Government of Uttar Pradesh*** (2014) 2 SCC 1, wherein



it has been held that registration of FIR is mandatory when information discloses a cognizable offence. It is emphasized that the inaction of the Respondents, amounts to denial of justice, abuse of authority, and infringement of the Petitioner's fundamental rights under Articles 14, 19, and 21 of the Constitution of India.

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

5. This Court has carefully perused the submissions advanced by the learned counsel for the Petitioner as well as the documents placed on record. The Petitioner's grievance is that despite a complaint dated 27.03.2025 alleging cognizable offences such as assault, snatching, and criminal intimidation committed inside a running train near Narela Station, Delhi, no FIR has been registered by the concerned police authorities. The Petitioner has addressed several representations to the concerned SHO, DCP, ACP, and Commissioner of Police, and has also approached the Rohini Court, by filing an application under Sections 175(3) and 223 of the BNSS, 2023 (corresponding to Sections 156(3) and 200 Cr.P.C.), seeking appropriate directions for registration of FIR.

6. However, it is pertinent to note that the Judicial Magistrate, North District, Rohini, vide order dated 11.09.2025, held that the incident in question occurred inside a running train and that the investigation had already been marked to the Government Railway Police (GRP), Subzi Mandi. The Magistrate further observed that, as per the scheme of the BNSS, the power under Section 175(3) can be exercised only by a Magistrate empowered under Section 210 BNSS, and jurisdiction under Section 223 BNSS similarly depends on territorial competence. Consequently, it was concluded that the court at Rohini lacked



jurisdiction to entertain the complaint and dismissed the applications under Sections 175(3) and 223 BNSS for want of jurisdiction.

7. Since as observed by the magistrate, the alleged offence took place within the jurisdiction of the Government Railway Police. The appropriate course available to the Petitioner is to approach the competent jurisdictional Court within whose territorial jurisdiction the alleged incident occurred.

8. Accordingly, while no further directions are warranted in the present writ proceedings, the Petitioner is granted liberty to file a fresh application under Section 156(3) Cr.P.C. (now Section 175(3) BNSS, 2023) before the Magistrate having jurisdiction. If such an application is filed, the same shall be considered and decided on its own merits and in accordance with law, expeditiously.

9. The petition alongwith any pending application stands disposed of.

RAVINDER DUDEJA, J

NOVEMBER 7, 2025/na