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

+ CRL.M.C. 5099/2018

NORTH WEST CARRYING COMPANY (LLP).....Petitioner

Through: Mr. Gagan Chhabra, Ms. Ruhi Chhabra, Mr. Vardaan and Mr. Chanchal Chauhan, Advocates.

versus

STATE & ORS. ....Respondents

Through: Mr. Hitesh Vali, APP for the State with SI Paramjeet Singh, P.S.Ranhola. Mr.Ajay K.Dutta and Mr.B.N.Sharma, Advocates for R-2. Respondent Nos. 11 & 12 in person.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

**16.01.2025**

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**CRL. M.A. 33630/2018**

1. This Application has been filed on behalf of the Petitioner/Complainant to stay the operation of the Order dated 31.03.2018 *vide* which the learned ASJ has dismissed the Revision Petition preferred against the Order of the learned M.M. dated 22.07.2016, wherein the grievance of the Petitioner/Complainant, that certain Sections have not been incorporated in the FIR, as mentioned in the Complaint under Section 156(3), was dismissed.
2. Submissions heard on behalf of the Complainant as well as the learned Prosecutor, Respondent No. 2 and 11 who are present in person.
3. The record shows that on an Application under Section 156(3) Cr.P.C. of the Complainant/Petitioner, FIR was directed to be registered by incorporating the contents of the Complaint filed on behalf of the



Complainant. FIR was consequently registered.

4. The only grievance is that while in the Complaint under Section 200 Cr.P.C. the offences under Section 391/392/395/397 were mentioned but the same have been not been indicated in the FIR which subsequently got registered.

5. The Complainant had moved an Application before the learned M.M. for directing the I.O for incorporating the left out Sections from the Complaint in the FIR. The said Application was dismissed by the learned M.M. and the Revision preferred against the said Order was also dismissed in Revision on the ground of limitation.

6. Aggrieved by the said Orders, the present Revision Petition has been filed.

7. The only grievance of the Complainant is that even though Sections 391/392/395/397 have been specifically mentioned in the Complaint, those have not been mentioned in the FIR that has been registered consequent to the directions of the learned M.M. under Section 156(3) Cr.P.C.

8. Learned Prosecutor has explained that the entire Complaint has been incorporated in the FIR. However, the IO on perusing the contents of the Complaint, had found that prima facie offence under Section 380/120B in addition to Sections 420/406/453/120B/506/380/34 IPC and consequently the FIR was registered under the relevant Sections.

9. There is no infirmity in the registration of FIR. The investigations are still ongoing and it is only when the entire investigations are completed that the prima facie offences as made out under the Sections, would be ascertained and mentioned in the Chargesheet.

10. **Submissions heard. Record perused.**



11. Though the Complainant in his complaint had alleged that the offences of robbery and dacoity had also been committed, but the IO on going through the contents, found prima facie case for the offences on which the IO after considering the contents of the Complaint, instead of Section 452 has mentioned Section 453 IPC, Section 120B and Section 380 of IPC have been added, the FIR has been registered under Section 380 aside from Section 420/406/453/120B/506/380/34 IPC.

12. Merely because an FIR has been registered on the Complaint under certain Sections, does not imply that the investigation would be limited only to those offences. The investigations are always carried out on the Complaint and it is after the complete investigation that the Chargesheet is filed under the offences which are finally established on investigations. The Complaint made by the Complainant/Petitioner herein is already a part of the FIR. What offences are made out is to be concluded in the Chargesheet and further a subject matter for consideration of the learned Trial Court before whom the Chargesheet gets filed.

13. No chargesheet has been filed in this case till date and the matter is still under investigations.

14. There is no merit in the present Petition which is hereby disposed of with the directions.

15. The investigations be concluded efficaciously and the chargesheet be filed within a reasonable time.

**NEENA BANSAL KRISHNA, J**

**JANUARY 16, 2025**

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