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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2434/2023**
VISHAL GROVER & ANR.Petitioner

Through: Mr. Rajeev Saini, Adv.

versus

SHANKAR NARAYANRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
07.05.2026

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1. Petitioners had filed a criminal complaint under Section 200 Cr.P.C. seeking summoning of the accused for offences under Sections 420/468/469/471 IPC.
2. Fact, however, remains that, eventually, the respondent herein was summoned for offence under Section 465 IPC *vide* order dated 17.08.2017.
3. The abovesaid offence attracts a maximum *substantive sentence* of two years only and, therefore, unless otherwise directed by the concerned Magisterial Court, the case is required to be tried as a *summons case*.
4. It seems that the Court had fixed up the matter for recording of *pre-charge evidence* and earlier, when the accused had filed a Revision Petition before the learned Court of Sessions, his such Revision Petition i.e. CR No.200/2022 was disposed of by the learned Court of Sessions on 29.07.2022 while observing as under:

“14.Thus, it is necessary to direct the concerned Id. M.M. to record its opinion regarding the nature of trial of the case, whether the case is to be tried as

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summons-case or warrant-case. After recording its opinion, if the concerned ld. M.M. is of view that the present case is to be tried as warrant-case, then the ld. M.M. may consider any application for discharge u/s 245 Cr. P.C. in the complaint case. At this juncture, it is apt to refer Section 245 (2) Cr. P.C. which reads thus:

“Nothing in this Section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless”

15. With these observations and directions, the impugned order dated 25.02.2022 of the ld. Trial Court is set aside and the present revision petition is disposed of, with the liberty to the revisionist, that in case the ld. Trial Court opines to try the case as warrant-case, an application may be filed u/s 245 Cr.P.C. which may be decided by the ld. Trial Court as per law.”

5. The abovesaid order is under challenge.
6. Learned counsel for the petitioners/complainants states that the case is still at the same stage as the learned Magistrate has yet not taken any decision with respect to the manner in which the case is to be tried.
7. The next date of hearing before the learned Trial Court is stated to be 26th instant.
8. When asked, learned counsel for the petitioners/complainants, in all fairness, admitted that though the learned Trial Court had fixed up the matter for recording of pre-charge evidence, there was no specific opinion or direction as to why the case was to be tried as a warrant case.
9. After hearing arguments for some time, learned counsel for the petitioners, without prejudice to his rights and contentions, does not press the present petition. He, however, prays that request be made to the concerned Magisterial Court to take decision with respect to the above said observation made by the learned Court of Session in a time-bound manner.
10. As the notice has yet not been issued, there is no appearance from respondent.



11. In view of the above, the present petition is disposed of as not pressed.
12. Simultaneously, the learned Trial Court is directed to take appropriate decision in view of the abovesaid extracted observations of the learned Court of Session within a period of four weeks from the date it takes up the matter.
13. It is, however, clarified that this Court has not given any observation with respect to the abovesaid aspect and it will be entirely upto the learned Trial Court to take appropriate decision, without being prejudiced in any manner whatsoever by anything contained hereinabove.
14. The petition stands disposed of in aforesaid terms.

MANOJ JAIN, J

MAY 7, 2026/jk/sa