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

+ **W.P.(CRL) 1174/2026**

NARESH KUMAR

.....Petitioner

Through: **Mr. Ajit Kumar Gola, Advocate.**

versus

STATE GNCTD AND ORS

.....Respondents

Through: **Mr. Amol Sinha, ASC for the State
with Insp. Narender, P.S.: Nangloi.**

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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13.04.2026

CRL.M.A. 11199/2026

Exemption granted, subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 1174/2026

By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner seeks registration of an FIR based on his complaint dated 08.11.2024 stated to have been made to the SHO P.S.: Nangloi.

2. Mr. Ajit Kumar Gola, learned counsel for the petitioner submits, that in view of the decision of the Supreme Court in ***Lalita Kumari vs.***



Government of Uttar Pradesh & Ors¹, the police were obliged to register an FIR.

3. Upon being queried, learned counsel for the petitioner confirms that the petitioner has never filed an application before the learned Magistrate under section 156(3)/200 of the Code of Criminal Procedure, 1973('Cr.P.C.') or under sections 175(3)/223 of the BNSS, seeking registration of an FIR.
4. In ***Sakiri Vasu vs. State of Uttar Pradesh & Ors.***², the Supreme Court clearly laid down that before approaching the High Court seeking registration of an FIR, a party is required to first exhaust other remedies available before the police under section 154(3) of the Cr.P.C. and thereafter before the learned Magistrate under section 156(3) of the Cr.P.C.
5. Furthermore, in *Lalita Kumari*³, the Supreme Court has in fact directed that in certain categories of cases, which includes matrimonial disputes, the police are required to make a preliminary inquiry before the registration of the FIR.
6. Clearly, the decision in *Lalita Kumari* does not overrule or set-aside the ruling in *Sakiri Vasu*.
7. In view of the above, this court is not inclined to entertain the present petition at least at this stage.
8. The petition is accordingly disposed-of granting to the petitioner liberty to approach the jurisdictional Magistrate under 175(3) read with section

¹ (2014) 2 SCC 1

² (2008) 2 SCC 409, paras 26 & 27

³ para 120.6



223 of the BNSS, with liberty to approach this court again, if so advised, in accordance with law.

9. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 13, 2026/ds