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

\# **CNR No. DLHC010200312026**

\+ CRL.M.C. 3556/2026 & CRL.M.A. 14475/2026

AJAY TYAGI .....Petitioner

Through: Mr. Sunny Sachdeva and Mr. Vijender Singh, Advocates.

versus

SYED UBEID & ORS. .....Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 18.11.2026

1. The Petitioner, invoking Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, read with Article 227 of the Constitution of India, challenges the order dated 18th October, 2025, passed by the Principal District and Sessions Judge, Central District, Tis Hazari Courts, Delhi, in Criminal Revision No. 173/2024. By the impugned order, the revisional court partly allowed the Petitioner's revision against the order dated 23rd April, 2024, passed by the Metropolitan Magistrate in Complaint Case No. 451/2023. While the refusal to direct registration of an FIR under Section 156(3) of the Code of Criminal Procedure, 1973[1] was upheld, the dismissal of the complaint under Section 200 CrPC was set aside, with a direction to the Magistrate to proceed with the complaint in accordance with law.

[1] ["CrPC"]

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2. The dispute concerns competing claims to immovable property situated in Khasra No. 22/17, Jharoda Majra, Hardev Nagar, Burari, Delhi. The Petitioner claims to have purchased a plot measuring 200 square yards from Respondent No. 1, Syed Ubeid, in 2009. According to him, while negotiating its subsequent sale to Nitin Tewatia, the original property documents were lost on 16th January, 2020, after which he lodged a lost-article report and published notices in newspapers. He relies upon an affidavit dated 14th February, 2020, purportedly executed by Respondent No. 1, acknowledging the earlier transaction. Respondent No. 2, Neelam Arora, however, asserts an independent claim founded upon documents allegedly executed in her favour by Respondent No. 1 in December 2009. The Petitioner alleges that Respondent Nos. 1 and 2 fabricated documents to assert a rival claim over the property and that Respondent No. 3, a police officer, acted in concert with them in pursuing complaints against him.

3. The record further discloses that FIR No. 440/2021 was registered at Police Station Wazirabad on the complaint of Respondent No. 2, Neelam Arora, alleging cheating, forgery and conspiracy against the Petitioner and others in connection with the disputed property. The controversy has also given rise to civil proceedings. Nitin Tewatia instituted a suit against the Petitioner concerning their sale transaction, which was subsequently settled through mediation. Respondent No. 1 and 2 have also instituted separate civil suits challenging the documents relied upon by the Petitioner. Against this background, the Petitioner approached the Magistrate seeking registration of an FIR against the Respondents. By order dated 23rd April, 2024, the Magistrate, after considering the complaint and the action-taken report, declined the request under Section 156(3) CrPC and also dismissed

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the complaint under Section 200 CrPC.

4. The revisional court found the latter course unsustainable, since the Petitioner had not been afforded an opportunity to substantiate his allegations through evidence under Section 200 CrPC. It accordingly restored the complaint. The refusal to direct police investigation was, however, upheld on the ground that the principal documents were already before the police or had been produced in the connected civil proceedings, and no particular investigative step requiring the exercise of police powers had been demonstrated.

5. The Petitioner further contends that the Magistrate relied upon the police action-taken report without verifying the rival property documents from the concerned authorities, overlooking the fact that the police conflated two distinct properties in different Khasra numbers, an error which, according to him, the revisional court failed to correct. He alleges that Respondent No. 3, a police officer named in the complaint, colluded with Respondent Nos. 1 and 2 and was involved in handling the connected criminal cases. The Petitioner maintains that the allegations of fabrication of documents, cheating and misuse of official authority required an independent police investigation under Section 156(3) CrPC, rather than leaving him to establish his case through the complaint procedure under Section 200 CrPC.

6. The exercise of power under Section 156(3) CrPC is discretionary and must be based on due consideration of the nature of the allegations and the necessity for police investigation. In ***Ramdev Food Products (P) Ltd. v.***

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State of Gujarat[2], the Supreme Court explained the distinction between an investigation directed under Section 156(3) CrPC at the pre-cognizance stage and an inquiry or investigation under Section 202 CrPC after cognizance. The Magistrate must apply judicial mind to determine the appropriate course in the facts of each case. The same position was reiterated in ***Kailash Vijayvargiya v. Rajlakshmi Chaudhuri***[3]. The mere disclosure of a cognizable offence does not, by itself, require the Magistrate to direct registration of an FIR under Section 156(3) CrPC in every case.

7. The dispute revolves around competing property documents, their authenticity and the circumstances in which they were executed. The Petitioner has identified the persons against whom he makes allegations and relies upon the lost-articles report, the affidavit purportedly executed by Respondent No. 1, the subsequent transaction documents and an RTI reply concerning the issuance of stamp papers. These documents require examination, but the Petitioner has not shown why their authenticity cannot be tested in the course of the criminal complaint proceedings. The relevant records can be summoned from the concerned authorities and the persons acquainted with the transactions can be examined before the Magistrate. Should further inquiry or investigation become necessary for deciding whether sufficient grounds exist to proceed, recourse remains available under Section 202 CrPC. The pendency of other civil or criminal proceedings does not, of course, prevent investigation into a criminal offence. Equally, allegations of forgery do not invariably require a direction under Section 156(3) CrPC. In the present case, having regard to the

[2] (2015) 6 SCC 439
[3] (2023) 14 SCC 1

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material already available and the opportunity now restored to the Petitioner to substantiate his complaint, the revisional court's refusal to direct registration of an FIR suffers from no legal infirmity.

8. The revisional court was therefore justified in upholding the Magistrate's refusal to direct investigation under Section 156(3) CrPC, while setting aside the dismissal of the complaint under Section 200 CrPC. The Petitioner has not demonstrated any jurisdictional error, manifest illegality or failure of justice warranting interference under Section 528 BNSS or Article 227 of the Constitution.

9. Accordingly, the petition is dismissed. The Magistrate shall proceed with Complaint Case No. 451/2023 in accordance with law, uninfluenced by the observations on the merits of the rival claims recorded in the order dated 23rd April, 2024. Nothing stated in the present order shall be taken as an opinion on the genuineness of the disputed documents, the allegations in the complaint or the rights of the parties in the property.

10. The pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

NOVEMBER 18, 2026
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