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

\# **CNR No. DLHC010513622026**

\+ CRL.M.C. 8028/2026 & CRL.M.A. 33509/2026, CRL.M.A. 33510/2026

SUMIT VERMA .....Petitioner

Through: Mr. Pankaj Jaiswal & Mr. Rahul K, Advocates.

versus

STATE GOVT. OF NCT OF DELHI .....Respondent

Through: Mr. Shoaib Haider, APP for the State with Inspector Subhash Chand, PS Darya Ganj, Delhi.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 27.10.2026

1. The Petitioner invokes Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to challenge the order dated 25th April, 2026, whereby the Additional Sessions Judge dismissed his revision petition and affirmed the order dated 8th January, 2026, passed by the Judicial Magistrate First Class, rejecting his application seeking further investigation in FIR No. 45/2020, registered at P.S. Darya Ganj under Sections 186, 332, 353 and 34 IPC.

2. The FIR arises from an incident dated 8th March, 2020, when officials of the North Delhi Municipal Corporation were undertaking a drive to remove alleged encroachments near the Oriental Insurance Building, Asaf Ali Road, pursuant to an office order dated 5th March, 2020. The complainant, Tulsi Das, a Licensing Inspector, alleged that the Petitioner, along with Deepak Kumar and another person, obstructed the drive, abused and scuffled with the officials, and attempted to snatch the books being seized. Upon completion of the investigation, a chargesheet was filed.

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3. The Petitioner contends that the Darya Ganj Sunday Book Market is an authorised weekly market and that his father had been vending books there since 1989. In support, he relies upon various RTI replies, municipal records, the MCD Scheme for Squatters/Hawkers, 2007, and Section 3(3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. According to the Petitioner, the removal drive was undertaken without complying with the statutory safeguards, and the documents relied upon in support of these assertions, though furnished to the Investigating Officer, were not considered during the investigation. His principal grievance is that both Courts below incorrectly treated these public records as defence material, overlooking their relevance to the fairness and completeness of the investigation.

4. The distinction urged by the Petitioner is legally sound, though it does not advance his case on the facts. The power to direct further investigation is not exhausted merely because a chargesheet has been filed or the matter has reached the stage of consideration of charge. The Supreme Court in ***Vinubhai Haribhai Malaviya v. State of Gujarat***,[1] recognised the Magistrate's power to direct further investigation before commencement of trial. Further, in ***Nitya Dharmananda v. Gopal Sheelum Reddy***,[2] the Supreme Court clarified that although the accused cannot ordinarily seek production of documents at the stage of framing charges, the Court may summon material withheld by the investigating agency if it is satisfied that such material is of sterling quality and has a crucial bearing on the question of charge. The question, therefore, is whether the documents identified by

[1] (2019) 17 SCC 1.
[2] (2018) 2 SCC 93.

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the Petitioner disclose any material omission warranting further investigation.

5. The request for further investigation must be examined in the context of the allegations in the FIR. The prosecution alleges that the Petitioner and others obstructed municipal officials and engaged in pushing and scuffling during the removal drive. The chargesheet contains the statements of the officials concerned, a site plan and the municipal order dated 5th March, 2020, pursuant to which the drive was undertaken. The records relied upon by the Petitioner concern the status of the book market, the rights of vendors and the legality of the removal drive itself. Although these records may have a bearing on the authority of the officials to undertake the drive, their omission from the chargesheet does not, by itself, establish a material deficiency in the investigation into the alleged incident.

6. Section 3(3) of the Street Vendors Act prohibits the eviction or relocation of street vendors until the survey contemplated under Section 3(1) is completed and certificates of vending are issued to all street vendors. The Petitioner's contention that the municipal authorities acted contrary to these safeguards cannot be dismissed as irrelevant. The legality of the drive may bear upon whether the officials were acting in the discharge of their duties and whether the ingredients of the alleged offences are satisfied. These questions, however, can be examined in the criminal proceedings on the basis of admissible evidence; they do not, merely because the legality of the drive is challenged, necessitate further police investigation. Nor does the reference to FIR No. 15/2020 or the allegation of a motivated investigation identify any specific material omission concerning the incident in question.

7. The documents relied upon by the Petitioner are in his possession. If

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the matter proceeds to trial, he may rely upon them in cross-examination, where permissible, and prove them in defence in accordance with law. Their evidentiary value and the effect of the alleged illegality of the municipal action on the prosecution case are left open.

8. The dismissal of the Petitioner's revision does not, by itself, preclude recourse to inherent jurisdiction, as reiterated in ***Saroj Pandey v. State (Govt. of NCT of Delhi)***.[3] The present case, however, discloses no ground for exercise of this extraordinary jurisdiction.

9. Accordingly, the petition is dismissed. The Trial Court shall proceed in accordance with law, uninfluenced by any observation made herein concerning the merits of the prosecution or the defence.

SANJEEV NARULA, J

OCTOBER 27, 2026/*ng*

[3] 2026 INSC 324.

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