

IN THE COURT OF MS. DEEKSHA SETHI, JMFC-08,
SOUTH WEST DISTRICT, DWARKA COURTS, DELHI

Ct. Case No:116/2025
Bimla vs. Komal

13.05.2025

ORDER

1. Vide this order I shall dispose of an application u/s 175(3) BNSS filed by the complainant Bimla seeking registration of FIR against the proposed accused persons namely Komal, Sanjay @ Sanju, Ajay, Vijay, Kanta, Manisha and Tanvi.
2. The case of the complainant is that proposed accused Komal is her daughter in law and remaining proposed accused persons are the family members of proposed accused Komal. The complainant has alleged that on 20.11.2024, proposed accused Komal gave severe to the husband of complainant in her absence. On 24.11.2024, proposed accused Komal quarelled with complainant and threatened to get her and her husband killed by her family members. On 26.11.2024 at about 9 PM, proposed accused persons Sanjay @ Sanju, Ajay, Vijay, Kanta, Manisha and Tanvi forcefully entered the house of complainant and hurled abuses at them and misbehaved with her. All of them took away cash of Rs 6,00,000/- and some jewellery i.e, 15 tole gold and half kg silver. Proposed

accused Komal threatened that she will file false cases against complainant and all her relatives. Further, it is alleged that proposed accused Komal used to regularly provide money to son of complainant Om Prakash @ Sonu for drugs and she wanted to kill him. The complainant found that proposed accused Komal had intimate relation with another man.

3. Ld. Counsel for the complainant has argued that despite having filed complaints with the SHO and DCP concerned, the police authorities failed to register any FIR. It is further argued that despite the commission of cognizable offences, no FIR has yet been registered.
4. ATR was called in the present matter. As per which no medical documents were presented by complainant in regard to her allegations of having received beatings from proposed accused. Further, during enquiry EO has recorded statement of proposed accused as well as complainant and the EO did not find any substance in the allegations made by complainant.
5. This court has heard the Ld. Counsel for the complainant, considered the submissions made and perused the record.
6. In the opinion of this court, no compelling reasons have been cited by Ld. Counsel for the complainant as to why investigation is necessary in the present matter for collection of evidence. In the present case, custodial interrogation of proposed accused persons is not required. The complainant can herself procure evidence in the present case as the same is well within her reach. She is aware of the identity of all the proposed accused persons. Moreover, neither evidence of any

technical nature is required in the present case to substantiate the claim of the complainant nor any field investigation is essential necessitating the involvement of the investigating agency. Further, if an inquiry is required in the instant case, the same may be carried out in terms of section 225 BNSS

7. It is well settled that the magisterial court has to apply its mind to the facts and circumstances of each case while adjudicating an application u/s 175(3) BNSS (corresponding section 156(3) CrPC). In case a matter does not warrant investigation, the same cannot be directed to be conducted by police officials merely because the complainant alleges commission of cognizable offence. In this regard, reliance may be placed upon the judgment passed by Hon'ble High Court of Delhi in **M/s Skipper Beverages Pvt. Ltd. v. State, (2001) DLT 217** wherein it has been held as under:

“10. Section 156(3) of the Code aims at curtailing and controlling the arbitrariness on the part of the police authorities in the matter of registration of FIRs and taking up investigations, even in those cases where the same are warranted. The Section empower the Magistrate to issue directions in this regard but this provision should not be permitted to be misused by the complainants to get police cases registered even in those cases which are not very serious in nature and the Magistrate himself can hold enquiry under Chapter XV and proceed against the accused if required. Therefore, a Magistrate, must apply his mind before passing an order under Section 156(3) of the Code and must not pass these orders mechanically on the mere asking by the complainant. These powers ought to be exercised primarily in those cases where

the allegations are quite serious or evidence is beyond the reach of complainant or custodial interrogation appears to be necessary for some recovery of article or discovery of fact.”

8. If the above law laid down by the Hon’ble High Court of Delhi is applied to the present matter, this court finds that there is nothing on record to suggest that evidence to be produced is beyond the reach of the complainant or custodial interrogation of the accused is necessary for discovery of fact. Thus, no grounds are made out for registration of FIR as prayed for by Ld. Counsel for the complainant. The application filed by the complainant is, therefore, dismissed.
9. The application u/s 175(3) BNSS is accordingly disposed of.

Deeksha Sethi
Judicial Metropolitan First Class-08
South-West District/New Delhi
13.05.2025