

**IN THE COURT OF SH. PITAMBER DUTT**  
**PRINCIPAL DISTRICT & SESSIONS JUDGE,**  
**PATIALA HOUSE COURTS, NEW DELHI.**

**CrI. Rev. No. 764/2023**  
**CNR No. DLND01-010598-2023**

**Sh. Harihara Ravi Iyer**  
**S/o. Late Dr. Sessa Harihara Iyer**  
**R/o. H-Block, 07-D Saket (Near Gurudwara),**  
**New Delhi-110017**

**.....Petitioner/Revisionist**

**Versus**

**1. The State**  
**(Govt. of N.C.T. of Delhi), New Delhi**

**2. Sr. Sheeba Antony**  
**D/o. Antony T.V.**  
**R/o. Mater Dei Convent,**  
**Tilak Lane, New Delhi-110001**

**Also at :**  
**House No.141, Street G38,**  
**Located at NDG-Tilak Lane,**  
**Government Officers Colony, India Gate,**  
**New Delhi-110001**

**3. Sr. Stella Joseph**  
**R/o. Mater Dei Convent**  
**Tilak Lane, New Delhi-110001**

**Also at :**  
**House No.141, Street G38,**  
**Located at NDG-Tilak Lane,**  
**Government Officers Colony, India Gate,**  
**New Delhi-110001**

**4. Sr. Taurina Vaz**  
**R/o. W-89, First Floor,**  
**Greater Kailash-II,**  
**New Delhi-110048**

Also at :  
R/o. W-89, First Floor  
Greater Kailash-II,  
New Delhi-110048

5. Sr. Irene Mathias  
R/o. Mater Dei Convent  
Tilak Lane, New Delhi-110001

Also at :  
House No.141, Street G38,  
Located at NDG-Tilak Lane,  
Government Officers Colony, India Gate,  
New Delhi-110001

6. CA Martin Patrick Pinto  
C/o. Pinto M P & Associates  
H-28, Navin Shahdara,  
New Delhi-110032

.....Respondents

Date of Institution	:	14.12.2023
Arguments heard on	:	11.05.2026
Date of Order	:	21.05.2026

**Appearances:-**

Sh. Rishab Kaushik, Ld. Counsel for the petitioner/revisionist.  
Sh. Tushar Mahajan, Ld. Counsel for respondent Nos. 2 to 4.

**ORDER**

1. Vide this order, I shall decide the criminal revision petition filed U/s.397/400 of the Code of Criminal Procedure against the impugned order dated 02.06.2023, whereby the application filed by the petitioner U/s.156(3) of Cr.PC has been dismissed by the Ld. Trial court. The brief facts necessitated in filing the present revision petition are given as under.
2. The petitioner/complainant filed a criminal complaint before Ld. JMFC, PHC, NDD for seeking registration of case for commission of offence of

forgery of valuable security namely a Society Board Resolution of ‘The Society of the Franciscan Sisters of Mary (Delhi)’ having registration No.S-4436 of 1969-1970.

3. The complainant also filed an application 156(3) of Cr.PC for seeking direction to the SHO concerned for registration of FIR on the ground that cognizable offences have been committed by the accused persons, qua which the criminal complaint dated 28.10.2021 was filed at police station Tilak Marg, New Delhi but despite receiving the said complaint, no FIR was registered. Vide this application, it is prayed that the direction may be issued to the SHO concerned for registration of FIR under Sections 420/467/468/471/477A/34/120-B IPC against the accused persons.
4. The Ld. Trial Court heard the application and vide order dated 02.06.2023 dismissed the said application holding that there is no necessity for police investigation for unearthing any evidence at this juncture and thereby directed the complainant to lead pre-summoning evidence. Feeling aggrieved from the same, the present revision petition has been filed.
5. Ld. Counsel for the petitioner has contended that Ld. Trial court has mechanically dismissed the application U/s.156(3) of Cr.PC. It is further contended that the status report submitted by Delhi Police dated 01.12.2022 explicitly recorded that ‘alleged persons had submitted wrong Board Resolution before the court and have accepted their mistake’, despite the said observation, the Ld. Trial court dismissed the said application.
6. He further contended that the impugned order is liable to be set aside on the ground that it is perverse and completely ignores the police

confirmation of forgery contained in status report dated 01.12.2022. He further contended that on 16.02.2024, Sh. Pradeep Mahajan appeared for respondent Nos. 2 & 3 and gave an undertaking to file vakalatnama, which was never complied with. Despite the same, he continued to appear on behalf of respondent Nos. 2 & 3. He further contended that continued appearance without valid vakalatnama, despite court directions, amounts to misconduct warranting a reference U/s.35 of the Advocates Act, 1961. He further contended that the impugned order has been passed on wrong premise that Magistrate had conducted a limited inquiry U/s.202 of Cr.PC as complainant possesses sufficient documents. The said approach is wholly misconceived. It is further prayed that impugned order may be set aside and police be directed to register a FIR.

7. Ld. Counsel for the respondent, on the other hand, has contended that the present revision petition and the complaint has been filed on exaggerated facts, which have no legal basis. He further contended that the allegation in the complaint is that the respondent had fabricated the Board Resolution and thus, committed the offence. He further contended that all the evidences, whereby complainant has alleged commission of various offences against the respondents are within the power and possession of the complainant and therefore, no police involvement was required. He further contended that the Ld. Trial Court has passed a well reasoned order and prayed that the revision petition be dismissed.
8. I have heard Ld. Counsel for the petitioner, Ld. Counsel for the respondents, perused the petition as well as the record. Perusal of the above shows that the petitioner/complainant has filed a criminal complaint U/s.200 of Cr.PC for seeking registration of FIR against the respondents for commission of offences under Sections 420/467/468/471/477A/34/120-B IPC. Along with the complaint, an

application U/s.156(2) of Cr.PC was also filed for seeking directions to the police of police station Tilak Marg, New Delhi for registration of FIR and conducting the investigation.

9. The allegation in the complaint is that a complaint case was filed by the complainant in the year 2017 in the court of Ld. ACMM, PHC, NDD. A revision petition was filed by the complainant and vide order dated 23.03.2021, notice of the said revision petition was issued to the respondents, pursuant to which, respondents filed vakalatnama on 30.03.2021. Thereafter, reply was filed by respondent Nos. 5 & 5.
10. In the said revision petition along with the said reply, respondent Nos. 5 & 6 also annexed a Board Resolution dated 06.08.2021, which was forged the registration number of 'The Society of the Franciscan Sisters of Mary (Delhi)', willfully and deliberately manipulated by Sr. Sheeba Antony and Sr. Stella Joseph.
11. The said resolution was having wrong registration number of the society by forging the said resolution. As per the complainant, the respondents have forged the said resolution of the society.
12. The Board Resolution, which complainant has claimed, was forged and fabricated by the respondents, is with the petitioner. He has also sought information with regard to the society and its registration under RTI. Thus, all the information qua the allegation attributed by the complainant against the respondents, are well within the power and possession of the petitioner, which he has annexed along with the complaint before the Ld. Trial court as well as in the revision petition.
13. The power U/s.156(3) of the Code of Criminal Procedure can be used if there is miscarriage of justice, which warrants a direction to the police to

register a case. Thus, as per the law, it is not incumbent upon the Magistrate to direct registration of FIR in every application filed U/s.156(3) of Cr.PC. While passing an order on the application U/s.156(3) of Cr.PC, the court is required to ascertain all the facts and circumstances of the case, as well as, the fact whether assistance of the police is required for collection of evidence.

14. If the material on the basis of which, complainant alleged commission of offence against the respondents, is within the power and possession of the complainant, then direction U/s.156(3) of Cr.PC is not required to be given to the police for registration of FIR and complainant can be asked to lead pre-summoning evidence, and on finding sufficient material, the respondents can be summoned as accused to face the trial.
15. The Ld. Trial court in the instant case has examined each and every allegation leveled by the complainant in the complaint as well as in the application U/s.156(3) of Cr.PC and has rightly held that there is no necessity of police investigation upon consideration of the factual matrix of the case and the allegation can be proved by the complainant himself by leading pre-summoning evidence or examining necessary witnesses.
16. The Ld. Trial court has also rightly held that no custodial interrogation of the accused persons are necessary on the basis of the facts narrated by the complainant.
17. In view of the above facts and circumstances, I am of the considered view that Ld. Trial court has passed a well reasoned order, on the basis of the facts and circumstances of the case and I find no jurisdictional error or illegality in the order dated 02.06.2023, which can be corrected by

exercising revisional jurisdiction. Accordingly, the revision petition filed by the petitioner is dismissed.

18. Trial Court Record be sent back along with copy of this order. File be consigned to record room after due compliance.

**Announced in the open Court  
Today i.e. on 21.05.2026**

**(PITAMBER DUTT)  
Principal District & Sessions Judge,  
New Delhi District, Patiala House Courts  
New Delhi.**