

Ct. Case No. 8/2024  
Ankit Lohiya Etc. Vs. SHO PS Narela Industrial Area Etc.  
PS Narela Industrial Area

**05.05.2026**

Present: Sh. Kshitij Goel and Sh. Rishav Sharma, Ld. Counsels  
for complainant.

Arguments heard.

Vide this order, I shall dispose an application under  
Section 156(3) Cr.PC. filed by the complainant.

1. Brief facts of the case are that on 03.03.2024 at around  
09.00 a.m. – 10.00 a.m., the workers of Narela Industrial Area at  
Bawana alongwith public spirited individual were protesting  
peacefully in Narela Industrial Area demanding to provide the  
workers their wages as per the minimum wages act, to increase in  
their wages for safety equipments at work and for the respectful  
work environment. The accused police personnel without prior  
warning or communication, arrived at the protest site and  
initiated a forceful dispersal of the demonstrators through the use  
of batons (Lathi Charge). It has been further alleged that the  
complainants were mercilessly beaten and tortured by the  
accused police personnel, and they were kept for almost 10 hours  
in illegal detention. It has been further alleged that eardrums of  
complainant no. 1 and 2 got torn due to brut custodial violence.

2. It has been further alleged that accused made castiest  
remarks on the complainant i.e. *“sale tumhare jaise logon ko  
naali shaf karna chahiye , jute saf karna chahiye, gandhi naali ke*

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*kide ab tum bhi adhikar ki baat karoge. Aaj hum tumhe adhikar batayenge”.*

3. Vide the present application under Section 156(3) Cr.P.C. prayer has been made for registration of FIR.

4. Status report was filed regarding the above complainant wherein it has been stated that on 03.03.2024, on receiving complaint, IO reached the spot and found that a crowd was gathered and four persons were shouting, *“hamari permission ke bager yahan koi bhi factory mein labour nahi rakhega aur hum jiski factory chahenge uski hi factory chalegi”.* IO with staff tried to calm down them but they continued and started behaving aggressively and violently using foul language. They were apprehended and removed from the spot and their names were disclosed as Miraj, Vikash Jha, Vikas Kumar and Kamal Kishore, IO SI Sudheer took prevented action under section 107/151 Cr.P.C. against them. Their MLCs were also got conducted.

5. It has been further stated therein that on the same day, some of members of their group created similar chaos, violent behaviour and used foul language. In order to avoid apprehension of any cognizable offence, those persons were removed from the spot who were shouting, *hum bhi area mein dadagiri karenge aur police hamara kuch nahi bigad payegi.* Despite making efforts for cooling them down, they continued their violent behaviour and aggression and therefore, those four persons namely Ansh, Bharat, Ashish, Ankit were booked under section 107/151 Cr.P.C. their MLCs were also got conducted. It

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has been further stated that nature of injury were given as nil.

6. Subsequently, all the above 8 persons were produced before SEM court. In this regard, PCR call vide DD No. 37A, 39A dated 03.03.2024 were received from the factory owners. A CCTV footage of the spot was also taken. It has been further sated that on 05.03.2024, all the accused persons were released from the jail. Thereafter, an information vide DD No. 35A dated 05.03.2024 was received which was marked to SI Sudheer who reached at the spot and got the MLCs of the above named 8 persons were conducted and the nature of injury was opined as simple. It has been further sated that doctor reserved his opinion on two MLCs No. 02722/24, 02678/2024 as patient (above named 8 persons) did not appear for re-examination.

7. It has been further stated that police had taken all the measures as per the guidelines of the Hon'ble High Court and all the allegations of beating levelled in the complaint are false and frivolous.

8. It has been further reported that the complainant has made allegation of castiest remarks by the police personnel including the then SHO/ NI Inspector Rajesh Kumar, but he himself belongs to Schedule Caste category, therefore, no question arises of passing any castiest remarks as alleged.

9. Arguments heard and I have carefully perused the record.

10. In “M/s Skipper Beverages Pvt. Ltd. Vs. State” 2002 CrI. LJ NOC 333 (Delhi), it has been held that, “*It is true that Section 156(3) of the Code empowers to a Magistrate to direct Ct. Case No. 08/2024 Ankit Lohiya Etc. Vs. The SHO Etc. (PS Narela Industrial Area)*”

*the police to register a case and initiative investigations but this power has to be exercised judiciously on proper grounds and not in a mechanical manner. In those cases where the allegations are not very serious and the complainant himself is in possession of evidence to prove his allegations there should be no need to pass order under Section 156(3) of the Code. The discretion ought to be exercised after proper application of the mind and only in those cases where the Magistrate is of the view that the nature of allegations is such that the complainant himself may not be in position to collect and produce evidence before the Court and interests of justice demand that the police should step into held the complaint”.*

11. Coming to the case in hand, the complainants have filed the present complaint even without mentioning the name of police personnel which is reflected from the memo of parties. So far as beating is concerned that is also not specific against any of accused. It becomes more important because it is admitted case of the complainant that police personnel were not in uniforms. All the MLCs find the nature of injury either as Nil or simple. Therefore, prima facie, no cognizance offence, is made out. So far as the allegations of passing castiest remarks is concerned, those are also not specific, it has been alleged that accused made castiest remarks but it is not clear who made the castiest remarks. It becomes more important as SHO Inspector Rajesh Kumar has been stated to be belonged to SC category himself.

12. In view of the above, it is not a fit case for invoking the powers of Section 156(3) CrPC or to direct the SHO to  
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register the FIR and therefore, **application under Section 156(3) Cr.P.C stands dismissed.** However, in the larger interest of justice, opportunity is granted to the complainant to adduce pre summoning evidence on the next date of hearing.

13. Put up for pre summoning evidence on 13.08.2026.

(Vandana)  
Addl. Sessions Judge-02(North)  
Rohini Courts Delhi  
05.05.2026