

IN THE COURT OF MS. VANDANA,
ADDITIONAL SESSIONS JUDGE-02,
NORTH DISTRICT, ROHINI COURTS, DELHI

Cr. Rev. No. 306/2025

1. ASI Deshpal Singh
S/o Lt. Sh. Raj Singh,
R/o B-108-108, Gali No.3,
Ganga Vihar, Delhi – 110094.
2. Constable Saurabh
S/o Lt. Sh.Dalbir Singh
R/o VPO Mandi, Tehsil Ishrana
District Panipat, Haryana – 132107.
3. Arjun
S/o Akhilesh Yadav
R/o Village Thakur Dayal Singh Ka Dera
P.O. Nuon, District Buxar,
Bihar – 802111.
4. Constable Ravish
S/o Sh.Azad Singh
R/o Village Jharothi
P.O. Kanwali, District Sonapat,
Haryana.

.....Revisionists

Versus

1. State
Through Addl. Public Prosecutor
Delhi.

2. **Rishi Kumar**
R/o H.No. 88, Shanti Apartment,
Narela, Delhi.

...Respondents

Date of Institution : 15.11.2025
Date of Arguments : 30.03.2026
Date of Order : 06.04.2026

ORDER

1. Present revision petition is preferred against the order dated 10.11..2025 (hereinafter referred to as impugned order) passed by Ld. JMFC, North whereby she has allowed the application of respondent no.2 Rishi Kumar under Section 156 (3) Cr.P.C. (for the sake of convenience, the parties shall be referred to their original status as before Ld. Trial Court).

2. In brief, the case of the complainant is that complainant is working as a Head of School (Primary Teacher) and through his complaint stated that on the night of 29.09.2025, he had an argument with a Zomato delivery person named Arjun over a cancelled food order and later the same night, the said delivery boy along with two unknown persons and police officials namely ASI Deshpal and Ct.Saurabh came to his residence, entered without justification, misbehaved with him

and physically assaulted him. It is further stated by the complainant that he was forcibly taken to SRHC Hospital, where he was medically examined under the influence of police officials, who allegedly made false remarks regarding alcohol consumption in the MLC, and later taken to Police Station Narela, where he was allegedly confined and beaten. It has also been stated that the said police personnel snatched 12,000/- in cash and a gold chain from the complainant, and that he was released from the police station after payment of Rs.1,00,000/- allegedly by his brother-in-law under pressure. The complainant has mentioned that he had previously filed FIR No. 737/2024, PS Narela, against some police officials and the present incident is alleged to be an act of retaliation. The complainant has attached supporting documents such as screenshots of the Zomato order, CCTV footage stills, MLC copy, and email representations sent to the SHO and DCP Outer District regarding this incident.

The present complaint has been filed before the Ld. Trial Court u/s 210/223 BNSS, 2023 along with application u/s 175(3) BNSS seeking registration of an FIR and independent investigation under relevant provisions BNS, 2023, which was allowed by Ld. Trial Court.

3. The abovesaid order has been challenged on the following grounds:

GROUND OF REVISION

A. That the impugned order dated 10.11.2025 passed by the Ld. J.M.F.C. is wrong and contrary to the settled law is not legally sustainable. The impugned order of Ld. J.M.F.C. is highly erroneous, unlawful, and improper as the Ld. J.M.F.C. has not correctly appreciated the facts of the case and passed the impugned order in haste without any proper application of judicial mind.

B That Ld. J.M.F.C. has failed to appreciate that the petitioners/revisionists have clean and unblemished record and have no case pending against them in any court of law and there has been no dereliction in duty on the part of the petitioner no. 1/revisionist no. 1,2 and 4 and he has been wrongly implicated in the present matter without any rhyme or reason.

C. That Ld. J.M.F.C. has failed to appreciate that during the first MLC conducted of the Respondent No. 2, Respondent No. 2 concealed his identity and disclose his incorrect name and father's name and therefore he did not even mention about assault or any wrongful act committed on him by police officials. It is

pertinent to mention that it clearly shows the mala fide conduct of Respondent No. 2.

D. That Ld. J.M.F.C. has failed to consider that on next day i.e.. 30/09/2025, nephew of the Respondent No. 2 called the police officials and give details of the alleged incident, which is as such 'Caller Ke Mama Ji Ke Sath AK Police Vale Ne Maar Pit Ki Thi, To Caller ko PCR ki Jarurt H', which is contrary to the statement given by the Respondent No. 2 in the complaint. It specifically submits that Respondent No. 2 falsely dialed 112 to implicate the revisionists in false case. Respondent No. 2 did not file any complaints to the concern SHO within time, Respondent No. 2 file complaint on 07/10/2025 and same is after thought.

E. That Ld. J.M.F.C. has failed to consider that the name of the Inspector Sandeep Kumar was remotely connected in this case. Respondent No. 2 has already filed a false and frivolous case against Inspector Sandeep Kumar under SC/ST Act, that litigation is going on between the Sandeep Kumar and Respondent No. 2. The name of the inspector Sandeep was incorporated in the present case to take revenge from him and to harass him in the present case in the worst possible manner, Inspector Sandeep is never posted in the police station Narela. Therefore, there are no specific allegations against Sandeep Kumar. The name of the Inspector Sandeep Kumar posted at

Narela has been put as a performa party; however, Insp. Sandeep Kumar is never posted at P.S. Narela.

F. That Ld. J.M has failed to consider that the fact that Respondent No. 2 himself did not disclose the name of any revisionist in the subsequent MLC conducted by doctors, which is after thought and even in the same, Respondent No. 2 did not disclose the name of any revisionist.

G. That Ld. J.M.F.C. has also failed to appreciate that Respondent No. 2 did not pay the amount due on his part to delivery boy of Zomato, who had delivered food parcel to the Respondent No. 2 No. 2 but Respondent No. 2 gave different color to the same and filed the present complaint on false and frivolous facts. Ld. JMFC further failed to appreciate petitioners having any direct or indirect connection in the present matter.

H. That Ld. J.M.F.C has also failed to appreciate that concern SHO sought time to the LD. JM and further requested that the fair and proper inquiry is going in the present matter and process of collecting supplementary evidence including corroborative CCTV footage, Call details, Records to be collected, on basis of that averments concern SHO sought time and will file detail status report but surprisingly LD. JMFC passed the order on 10.11.2025 and directed the SHO to register the FIR against the said police officials.

I. That the learned trial court totally misread and misconceived the material on record in the case and passed the impugned order in an arbitrary manner and the same is liable to be set aside.

4. Thereafter, notice was issued to the respondents. Respondent no.1 is the State and respondent no.2 is Rishi Kumar/complainant.

5. Ld. Addl. PP appearing for respondent no.1 has argued that there is no infirmity in the impugned order passed by Ld. JMFC and same has been passed after going through all the material available on record.

6. Ld. Counsel for respondent no.2 argued that the revision petition is not maintainable at all as the impugned order dated 10.11.2025 is an interlocutory order. He has relied upon certain judgments in this regard.

It was further argued by ld. Counsel for respondent no.2 that the ld. Trial Court has rightly passed the impugned order considering the atrocities committed upon the complainant. He further relied upon the medical examination of the complainant and the other related documents.

7. Ld. Counsel for the revisionist vehemently opposed the submissions of ld. Counsel for the respondents. He relied upon the case titled as **Nishu Wadhwa Vs. Siddharth Wadhwa WP (Crl.) 1253/2016 decided on 10.01.2017** by Hon'ble High Court of Delhi and argued that the present revision petition is very well maintainable. It was further argued that during the first MLC conducted of the Respondent No. 2, Respondent No. 2 concealed his identity and disclose his incorrect name and father's name and therefore he did not even mention about assault or any wrongful act committed on him by police officials. It was further argued that on next day i.e.. 30/09/2025, nephew of the Respondent No. 2 called the police officials and give details of the alleged incident, which is as such 'Caller Ke Mama Ji Ke Sath AK Police Vale Ne Maar Pit Ki Thi, To Caller ko PCR ki Jarurt H', which is contrary to the statement given by the Respondent No. 2 in the complaint. It specifically submits that Respondent No. 2 falsely dialed 112 to implicate the revisionists in false case. Respondent No. 2 did not file any complaints to the concern SHO within time, Respondent No. 2 file complaint on 07/10/2025 and same is after thought.

FINDINGS

8. As regards the powers of revision U/s 438 BNSS (397 Cr.P.C) the Hon'ble Supreme Court in the latest judgment dated 17.02.2022 in the case of **Directorate of enforcement Vs. Gagandeep Singh 2022 SCC online Delhi 514** has reiterated the law that:

“the provision of revision in Cr.P.C. suggests that the court shall limit itself to the findings sentence or order pass by the subordinate court, against which the revisionists is seeking relief before the court concerned and shall not go beyond the analysis and observations made by the subordinate court.”

Section 438 BNSS (397 Cr.P.C.) unequivocally states that the High Court and Sessions Courts which is exercising its revisional jurisdiction shall apprise itself solely of the question of correctness, legality and propriety of the order of the subordinate court.

The Hon'ble Supreme Court in *Directorate of enforcement Vs. Gagandeep Singh (supra)* again emphasised that:

“in its revisional jurisdiction court will not proceed into the enquiry of the records, documents

and other evidence in consideration before the Trial Court but shall constrain itself to the findings of the lower court in the impugned order and to the question whether there is any patent, illegality, error apparent on record or incorrectness.”

9. At first, I shall be deciding the maintainability of the present revision petition. The present revision petition has been filed passed by Ld.JMFC on the application under Section 156(3) Cr.P.C. vide which Ld. JMFC passed an order directing SHO PS Narela, to register an FIR in the present matter against the wrong doers under appropriate Sections of Law.

In Nishu Wadhaw’s case (supra), which was again referred in the case of **Shiv Kumar Vs. The State (Govt. of NCT of Delhi)**, wherein it was held that:

“The issue that since the accused has not been summoned as an accused and has no right to file a revision petition is alien, while deciding an application under [Section 156\(3\) Cr.P.C.](#) The said issue crops up when the Magistrate entertains the complaint and on taking cognizance proceeds as a complaint case. In case directions are issued for registration of FIR immediately, on registration of FIR, the person against whom allegations are made in the FIR attains the status of an accused. His rights in so far as the Police can summon him for investigation, arrest him without warrants

for allegations of cognizable offences are duly affected. In a situation where the fundamental right of freedom and liberty of a person is affected, it cannot be held that he has no right to be heard at that stage. Thus to hold that since directions only have been issued under [Section 156\(3\) Cr.P.C.](#) and no cognizance has been taken thus no revision would lie would be an erroneous reading of the decisions of the Supreme Court. Therefore, an order dismissing or allowing an application under [Section 156 \(3\) Cr.P.C.](#) is not an interlocutory order and a revision petition against the same is maintainable.”

10. In view of the above, it is held that the present revision petition is maintainable.

11. Now, I shall decide the present revision petition on merits.

12. There are specific allegations qua assaulting the complainant. There are two MLCs of the complainant one is of 29.09.2025 at about 11:21 p.m. and other is of dated 30.09.2025 at about 09:57 a.m. which was conducted in the same hospital by two different doctors, though both are altogether different. In the first MLC, the injury has been stated to be, “multiple abrasions

present over back”, the reason for the same has been mentioned as “self fall from stairs”, but in the second MLC, the injury has been stated as, “multiple bruise present on back region, bruise on left knee, left wrist, abrasion on right Leg”. In the column of alleged history, it has been mentioned, “physical assault on 29.09.2025 around 10.30 p.m., at Shanti Apartment Narela. As told by B/B Patient was presented on 29.09.2025 in night for me with police, me was made with name Raj Kumar, MLC M1800156250926, as told by IO ASI Deshpal”. It is relevant to mention here that first medical was got conducted, when the complainant was accompanied by one Constable Ravish and the said MLC was handed over to ASI Deshpal Singh.

The complainant has categorically alleged that he had filed one FIR previously i.e. FIR No. 737/2024 PS Narela against some police officials and the present incident is nothing but an act of retaliation. He also relied upon the supporting the documents i.e. screen shot of zomato order, CCTV footage, several photographs from CCTV footage MLC and email representation sent to other police authorities. The submission of Id. Counsel for revisionist regarding alleged non disclosure of identity of complainant and false implication, it is neither relevant at this stage nor sufficient enough to uproot the allegations of the complaint at this initial stage. Therefore, the

Ld. Trial Court rightly observed that complainant has been able to substantiate his claim and commission of cognizance offence is made out in the present case. Accordingly, the impugned order is upheld and the revision petition is dismissed. Interim order stands vacated with direction to the SHO concerned to comply the order dated 10.11.2025 passed by the Ld. JMFC-01, North Rohini.

13. There is no infirmity or illegality in the order dated 10.11.2025 and the same is upheld, accordingly. The petition being devoid of any merits is dismissed.

14. TCR, if any, be sent back to the concerned court with copy of this order.

15. Revision file be consigned to record room, after due compliance.

**Pronounced in open
Court on 06.04.2026**

**(VANDANA)
ADDITIONAL SESSIONS JUDGE-02,
NORTH DISTRICT,
ROHINI COURTS, DELHI**