

**IN THE COURT OF MS. SHEETAL CHAUDHARY PRADHAN
ADDL. SESSIONS JUDGE-02 : SOUTH EAST DISTRICT
SAKET COURT : NEW DELHI**

Criminal Revision No. 307/2025 & 663/2025
PS Lodhi Colony
U/Sec. 175(3) BNSS / 156(3) CrPC

*In the matter of :-
In CR No.307/2025*

Ramesh Kumar
S/o Sh. Gnanender Singh,
R/o 189 Police Colony,
Hauz Khas New Delhi 110016

.... Revisionist

VERSUS

1. The State
NCT of Delhi

2. Mohsin Gulab Ali
S/o Sh. Shahid Ali
R/o 126 Village Ghonda
South Delhi, New Delhi

.... Respondents

In CR No.663/2025

The State
NCT of Delhi

.....Appellant

Versus

Mohsin Gulab Ali
S/o Sh. Shahid Ali
R/o 126 Village Ghonda
South Delhi, New Delhi

.....Respondent

Date of Arguments : 04.07.2026
Date of Order : 11.07.2026
Decision : **Both revision petitions
stand allowed.
Impugned Order Stands
set aside.**

ORDER

1. By way of common order the present two criminal revision petitions no.307/2025 and 663/2025 PS Lodhi Colony have been decided as they arise of the same impugned order, having similar prayers.
2. Revisionist namely Ramesh Kumar was the police official and IO before the Ld. Trial Court and has filed revision petition no.307/2025, thereby challenging order dated 05.05.2025, passed by Ld. Trial Court in Complaint Case No.41589/2024 titled as “*Mohsin Gulab Ali Vs. State*”, PS Lodhi Colony vide which Ld. Trial Court had passed certain directions.
3. The other revision petition bearing no.663/2025 has been filed by Ld. Spl. PP Sh. Atul Kumar Srivastava against impugned order dated 05.05.2025 in the aforesaid matter whereby directions was passed by Ld. Trial Court.
4. Therefore, revisionist in the aforesaid revision petition are the police

official and investigating officer and the respondent was the complainant before the Ld. Trial Court, upon whose application under 175(3) BNSS/Section 156 (3) Cr.P.C. vide order dated 30.04.2025, his application for registration of FIR was allowed.

5. Trial Court record reveal that complainant had filed an application u/sec. 175(3) BNSS /156(3) CrPC, praying for registration of FIR and the same was allowed vide order dated 30.04.2025, and thereafter, kept the matter for 05.05.2025 for compliance of the same.
6. For understanding the grievances raised by revisionist herein, the impugned order dated 05.05.2025 is reproduced below in verbatim.

"Status report filed stating that FIR no. 69/2025 has been registered.

Ld. Counsel for the complainant submits that action is warranted U/s 166 A(b) IPC as the police officials being service servants have knowingly disobeyed to the prejudice of the complainant directions of the law regulating the manner in which they shall conduct the investigation.

He further submits that police officials intentionally omitted to initiate the investigation by non registration of FIR thereby disobeying the directions of law regulating the manner in which they shall conduct the investigation He further submits that the word "investigation" should be construed liberally including within itself the procedure to

initiate the investigation.

He further submits that Hon'ble Supreme court has interpreted the word "investigation" U/s 162 Cr.PC literally so as to include statement made before the police officials even made before the FIR hit by Section 162 Cr.P.C

Lastly he submits that the dictum of Hon'ble Supreme Court in the recent judgment of Amit Kumar Vs. Union of India in Crl Appeal no. 1425/2025 SLP 13324/24 has to be followed in true letter and spirit and action has to be taken against erring police officials including U/s 166A IPC. He further submits that clause C of 166A IPC specially makes it an offence for non recording of information in offences related to sexual assault and non recording the information in other offences will also come under clause b of 166A IPC. Further, 154 (3) of Cr.P.C mandates the DCP concerned to investigate the case himself or direct investigation in case he is satisfied the information discloses the commission of cognizable offence and by not initiating the investigation, the DCP concerned has committed an offence U/s 166A(b) IPC.

It is imperative for the court to know whether action can be taken against the police officials U/s 166A (b) IPC for refusing to register FIR in a case in which information prima facie discloses a cognizable offence in offences other than those mentioned in 166A (c) IPC.

Copy of this order-sheet and order dated 30.04.2025 be

*sent Worthy Joint C.P concerned for necessary compliance as per the judgment of Hon'ble Supreme Court in Amit Kumar Vs. Union of India and Lalita Kumari Vs. State of U P.
Be put up on 17.05.2025."*

GROUND OF BOTH REVISION PETITION

7. Feeling aggrieved from the impugned order dated 05.05.2025 revisionist/State have preferred the present revision petition, on the grounds that :-
- A. That the Ld. Trial Court failed to appreciate that the alleged offence was committed in Bhopal, MP due to which the police station Lodhi Colony had no jurisdiction.
 - B. The complainant had not made specific allegations for the offence to have been committed or as to how the conspiracy was hatched within the jurisdiction of PS Lodhi Colony.
 - C. That the impugned order is in contravention of law laid down in the case of ***Ramesh Awasthi & Ors. Vs. State of NCT Delhi & Ors. AIR 2008***, whereby it has been held by Delhi High Court that the magistrate cannot give the order for registration of FIR if the offence was not committed in his jurisdiction.
 - D. That the Ld. Trial Court did not take into consideration the action taken report.
 - E. That the Ld. Trial Court did not take into consideration that the DOPE test was conducted by NADA at Bhopal and not in Delhi.

F. That the Ld. Trial Court did not take into consideration that the FIR was not initially registered as no offence was committed in the jurisdiction of Delhi.

GROUND OF REVISION IN CR NO.663/2025

G. That the Ld. Trial Court should have disposed of the matter after ordering the registration of FIR and did not take into consideration the guidelines and the law laid down by Hon'ble Delhi High Court in the matter of *M/s Gabrani Infrastructure Pvt. Ltd. Vs. M/s Unitech High Tech Developers Pvt. Ltd. & Ors. CRL MC No.1989/2016*

H. That the Ld. Trial Court failed to appreciate that the ingredients of section 166A IPC which has three parts and the present allegations even if accepted, were passed at the stage of enquiry and not when the investigation had commenced.

I. That the Ld. Trial Court failed to appreciate that the reliance placed in the case of Amit Kumar in the impugned order was misconceived.

ARGUMENTS ON BEHALF OF REVISIONIST

8. In addition to the aforesaid grounds, Ld. Spl. PP for State and Ld. Counsel for revisionist SI Ramesh Kumar had argued that on 31.07.2023 respondent had filed a complaint to the SHO PS Lodhi Colony and requested for investigation in regard to his DOPE test conducted by NADA Lucknow, wherein he was found positive as per result dated 28.06.2023 and he had made allegations regarding conspiracy hatched against him to get him declared positive in DOPE

test. Subsequently, an enquiry was taken up and no cognizable offence was found to be made that after a gap of 13 months respondent sent an email to the DCP South regarding his complaint. Thereafter, he moved before Hon'ble High Court of Delhi with respect to his complaint and gave him liberty to approach the trial court by filing an appropriate application vide its order dated 08.08.2024. That subsequently, complainant filed his application u/s 175(3) BNSS before the Ld. Trial Court and the Ld. Trial Court after calling an ATR report, vide its order dated 30.04.2025 directed SHO PS Lodhi Colony to register FIR within 24 hours and sought compliance report by 05.05.2025. In compliance of the directions of the Ld. Trial Court dated 30.04.2025 FIR No.69/2025 was registered. However, during the proceeding of 05.05.2025, arguments were advanced on behalf of counsel for respondent/complainant that an action was warranted u/s 166A (b) IPC and the impugned order was passed.

9. It has been argued that the revision petition bearing no.663/2025, PS Lodhi Colony was filed after a delay and submissions were made that the same be condoned and reliance was placed in the case of *Municipal Corporation of Delhi Vs. Girdhari Lal Sapuru, AIR 1981 SC 1169*, wherein it has been held that criminal revision can be entertained even in time barred cases if the law point is involved. A separate application for seeking condonation of delay has also been filed by the revisionist in criminal revision no.663/2025 and it has been argued that the delay be condoned as the application could be filed on time due to procedural

aspects and official process and the same was not intentional or deliberate.

10.Ld. Spl. PP for State also relied upon the judgment in the case of **"XXX Vs. State of Kerala" 2026 SCC Online SC 114**. wherein para no.49 to 51 it has been held that

"49. Perusing the prayers in the writ petition, we find that the appellant had sought directions for registration of an FIR, securing compliance with this Court's directions in Lalita Kumari (supra), and for a declaration that the acts of the police officials were not in the discharge of official functions and, therefore, not covered by the protection afforded under Section 175(4), BNSS.

50. Should the Single Judge have entertained the writ petition, Interpreted Section 175(4) and granted relief to the appellant? We think not.

51. As rightly held by the Division Bench, the Single Judge could not have granted relief that the appellant did not pray. We may profitably refer to the decisions of this Court in Krishna Priya Ganguly v. University of Lucknowa, Om Prakash v. Ram Kumari and Bharat Amratlal Kothari v. Dosukhan Samadkhan Sindhi 22 where this Court. held that the writ court will,

normally, grant relief that is prayed; and, though discretion to grant relief under Article 226 is wide, the writ court cannot, ignoring and keeping aside the norms and principles governing grant of relief, proceed to grant a relief not even prayed by the petitioner."

11.It has also been argued that the impugned order be set aside and the revision petitions be allowed.

ARGUMENTS ON BEHALF OF RESPONDENT / COMPLAINANT

MOHSIN GULAB ALI

12.It is argued by Sh. Mehmood Pracha, Ld. Counsel for respondent/complainant that the present criminal revision petition is wholly misconceived, frivolous and an abuse of the process of law. It has been argued that the petition does not disclose which wing/department/officer of the State is the aggrieved party. Further, at no place in the petition, the Memo of Parties, or any of the accompanying applications, has the Petitioner disclosed which particular wing, department, officer or authority of the State machinery is, in fact, aggrieved by the impugned order, or on whose instructions and at whose instance the present revision has been preferred.

13.That the impugned order dated 05.05.2025 does no more than (1) take

on record the compliance report showing registration of FIR No. 69/2025 pursuant to the earlier order dated 30.04.2025, and (ii) direct that a copy of the order-sheet be sent to the Joint CP concerned, while posing, for consideration on the next date, the limited legal question of *"whether action can be taken against the police officials u/s 166A(b) IPC for refusing to register FIR..."*. The only persons who could conceivably be said to be aggrieved by such an order if at all are the individual police officials who face the prospect of being proceeded against, namely, the EO/SHO, PS Lodhi Colony and/or the DCP concerned. The abstraction "State GNCT of Delhi", simpliciter, in the memo of party, is incapable of being an aggrieved person qua an order that, on its face, does no more than examine departmental/penal accountability of its own officials for an admitted, 21-month-long, failure to register an FIR.

14. That it is settled that a revision, like any other proceeding invoking the discretionary jurisdiction of a court, can be maintained only by, or on behalf of, a person who is, in fact, aggrieved by the order impugned, and who discloses, with precision, his/her identity, capacity and source of authority to prefer such a challenge. The present petition, filed in the omnibus name of "the State" without identifying whether it is preferred at the instance of the Commissioner of Police, the DCP (South-East), the SHO/EO, PS Lodhi Colony, or the Home Department, GNCT of Delhi, discloses no ascertainable aggrieved person, and is liable to be dismissed as not maintainable on this short ground alone. Unidentified

and unauthorised signature no disclosure as to through whom the petition is filed.

15. That a Public Prosecutor or Additional Public Prosecutor does not possess an independent, free-standing right to institute a criminal revision in the name of the State; he/she acts strictly upon the instructions of, and represents, a specific department or authority of the State which is stated to be aggrieved. In the complete absence of any disclosure as to the officer or authority on whose instructions the signing Public Prosecutor/Addl. P.P. has filed the present petition that is, through whom, in substance, the petition has been instituted the petition suffers from a fundamental and incurable defect as to authorisation and is not maintainable. No vakalatnama, authority letter, sanction order or verification affidavit on record

16. That, significantly, no vakalatnama, authority letter, sanction/approval order, or any other document evidencing due authorisation for institution of the present revision has been filed along with, or annexed to, the petition. Nor is the petition, or any of its accompanying applications, supported by an affidavit of verification sworn by any named, identifiable deponent affirming the correctness of its contents. This absence of verification independently compounds the objection as to want of authority and identity of the aggrieved authority raised above.

17. It has been further argued that the impugned order is purely interlocutory and not amenable to revision. It does not decide any right of any party, does not hold any individual guilty of any offence, does not direct registration of any FIR against any named officer, and does not impose any penal, civil or other adverse consequence upon the Petitioner or anyone claiming under it. It merely (i) takes the compliance report on record, and (ii) directs that a copy be sent to the Joint CP concerned "for necessary compliance" while posing, for consideration on the next date, a legal question regarding the scope of Section 166A(b) IPC, and lists the matter for further hearing.

18. That such an order, being purely interlocutory and consequential to the earlier, unchallenged order dated 30.04.2025, is not open to challenge in revision, having regard to the well-settled bar against invoking revisional jurisdiction in respect of interlocutory orders, as reflected in Section 438(2) of the BNSS, 2023 (pari materia with Section 397(2) of the erstwhile Code of Criminal Procedure, 1973).

19. No person has, in fact, been proceeded against the order merely poses a query. That the impugned order, far from adjudicating anything, records that "it is imperative for the court to know whether action can be taken against the police officials u/s 166A(b) IPC..." and lists the matter for further hearing for that very question to be examined. No specific officer has, till date, been proceeded against, chargesheeted, summoned or held guilty of anything pursuant to the impugned order. There is,

therefore, no concrete grievance capable of being agitated in revision by anyone let alone by the impersonal "State" and the petition is premature and misconceived.

20.It is further argued that SI Ramesh Kumar/revisionist in the criminal revision no.307/2025, is one of the very police officials whose alleged inaction is under the scanner. The existence of the parallel proceeding/criminal no.663/2025, instituted by the very officer said to be exposed to action, demonstrates that the individual actually and personally aggrieved has already availed of his remedy in his own name and capacity. Therefore, the revision petition no.663/2025, filed in the name of the impersonal "State" without disclosing its relationship, if any, to Criminal Revision No.307/2025, has been filed in suppression of this material fact, raises a real apprehension of multiplicity of proceedings and forum-shopping in respect of the same cause of action, and ought not to be entertained.

21.It is submitted that the very institution of the revision petition no.663/2025 was found by this Court to be procedurally deficient. By order dated 02.05.2026, this Court, upon perusal of the record, specifically observed that the present revision petition had been filed on behalf of the State without any authority letter or forwarding from the Directorate of Prosecution, NCT of Delhi, and accordingly directed that the matter be listed for consideration of the authority in respect of filing of the present revision petition.

- 22.The burden squarely rested upon the revisionist to establish that the present revision had been validly instituted after obtaining the requisite authorization and in accordance with the prescribed procedure.
- 23.The order dated 30.04.2025 has attained finality and has not been separately challenged. The impugned order dated 05.05.2025 is purely consequential to, and in aid of, compliance with the unchallenged order dated 30.04.2025, and cannot be assailed independently of the parent order, which admittedly has not been, and cannot now be, challenged.
- 24.It is further argued that the application for condonation of delay is vague, unparticularised and unsubstantiated. Neither is the actual period of delay quantified, nor is any day-wise or stage-wise explanation furnished, nor is any sanction/approval order - said to have finally cleared the filing - placed on record.
- 25.It is argued that the Criminal Revision Petition No.663/2025 is liable to be dismissed at the threshold as not maintainable.
- 26.It is further argued that the concerned police officials failed to register an FIR despite a cognizable offence having been disclosed, which prompted the Ld. JMFC to examine whether accountability could be fixed under Section 166A(b) IPC. It has further been argued that the Action Taken Report dated 12.03.2025, filed by SI Ramesh Kumar and

forwarded by the SHO concerned the officer whose baldly asserted inaction is now sought to be shielded by the present petition that *"nothing has happened with complainant in the jurisdiction of this PS and as such, no further action is warranted into the matter at the end of this PS,"* and it was urged before the Ld. JMFC that "jurisdiction of this court is not made out." This studied refusal to accept a jurisdictional finding already rendered by a constitutional court, and reiterated by the Ld. Trial Court itself, is precisely the kind of official recalcitrance that the law contemplated when it made action against erring officers a necessary corollary to the mandate of registering an FIR and is squarely in line with binding precedent.

27. That the Constitution Bench of the Hon'ble Supreme Court in ***Lalita Kumari v. Govt. of U.P., (2014) 2 SCC 1***, has authoritatively held that registration of an FIR is mandatory under Section 154 Cr.P.C. (Section 173 BNSS) where the information discloses commission of a cognizable offence, and that no preliminary inquiry is permissible in such a situation.

28. That the Hon'ble Supreme Court, in ***Amit Kumar and Others v. Union of India and Others, arising out of SLP (Crl.) No. 13324 of 2024 (decided on 24.03.2025, and since renumbered as Criminal Appeal No. 1425 of 2025)*** - a judgment expressly relied upon in the impugned order itself-has reiterated, in paragraph 40, that "even if the Police was of the view that there was no element of truth in what had been alleged it

could have said so only after registering an F.I.R. and conducting an investigation pursuant thereto," and has, in paragraph 46(iv), in terms held: *"The police officer cannot avoid his duty of registering the offence if a cognizable offence is disclosed. Action must be taken against erring officers who do not register an F.I.R. if information received by them discloses a cognizable offence."*

29. That the said judgment further takes note that Section 166A of the Cr.P.C. itself "prescribes a penalty of imprisonment up to two years and also a fine for non-registration of a FIR" which is precisely the provision, and precisely the question of accountability, that the Ld. JMFC has, correctly and cautiously, chosen to examine in the impugned order, rather than record any finding without hearing the officials concerned.

30. That the width of the Magistrate's supervisory jurisdiction under Section 156(3) Cr.P.C. (Section 175(3) BNSS) - which necessarily includes the power to monitor compliance with directions for registration of an FIR and to ensure that the statutory duty to register is not defeated by inaction authoritatively affirmed by the Hon'ble Supreme Court in *Vinubhai Haribhai Malaviya v. State of Gujarat, 2019 SCC OnLine SC 1346*, and in *Sakiri Vasu v. State of U.P., (2008) 2 SCC 409 (both relied upon in the proceedings before the Ld. Trial Court)*, as also by the Hon'ble Delhi High Court in *Radha v. State, 179 (2011) DLT 810*, which holds that registration of an FIR is "an absolute

obligation and duty" upon the officer in charge of a police station once information disclosing a cognizable offence is laid before him.

31. That it deserves to be underscored that the direction for registration of an FIR did not arise in a vacuum. It was preceded by the Hon'ble Delhi High Court's own order dated 08.08.2024 in WP (Crl.) 136/2024, recording that "serious allegations" had been made and leaving the Respondent at liberty to approach the Ld. Trial Court, and it was thereafter reiterated, in terms, by the Ld. JMFC's order dated 30.04.2025.

32. It has been argued that the concerned police officials were, therefore, under a continuing obligation flowing directly from the orders of a constitutional court as well as the Ld. Trial Court not merely a general statutory duty under Section 154 Cr.P.C./Section 173 BNSS.

33. That, in this context, the Hon'ble Supreme Court's decision in ***Priya Gupta v Additional Secretary, Ministry of Health and Family Welfare, (2013) 11 SCC 404***, is instructive. The Hon'ble Supreme Court held that orders passed by the Supreme Court are binding on all subordinate courts, tribunals and authorities, and that orders of a High Court are similarly binding on subordinate courts and such tribunals within its supervisory jurisdiction; that no person or authority can act in ignorance of orders passed by courts; and that such disrespect has a serious, adverse impact on the credibility of the judicial institution besides

encouraging what the Hon'ble Court termed "chance litigation." Applying this principle, had the concerned police officials persisted in not registering the FIR despite the Hon'ble Delhi High Court's order dated 08.08.2024 and the Ld. JMFC's own order dated 30.04.2025 both of which were binding upon them continued inaction would have exposed them not merely to departmental or penal consequences under Section 166A(b) IPC, but to proceedings for contempt of court as well, for wilful disobedience of binding judicial directions. Viewed thus, the Ld. JMFC's query in the impugned order as to whether action could be taken under Section 166A(b) IPC reflects a conservative, and not an excessive, exercise of jurisdiction, since the officials' conduct was, on the Respondent's own submission, equally capable of being viewed through the more serious lens of contempt.

34. It is argued that it is settled law that revisional jurisdiction under Section 397/401 Cr.P.C. (now Section 438 BNSS) is very limited and interference is permissible only where there is patent illegality or miscarriage of justice. It is further argued that the revisionists have failed to point out any jurisdictional error, illegality or material irregularity in the impugned order.

COURT OBSERVATION

35. I have heard the arguments on behalf of Ld. Addl. PP for the State, Ld. Spl. PP for State, revisionist Ramesh Kumar and Ld. Counsel for respondent Mohsin Gulab Ali and also carefully perused the record.

36. Impugned order was passed by Ld. Trial Court on 05.05.2025 and Criminal Revision No.307/2025 was filed on 20.05.2025 and the same was filed within limitation and is maintainable. The other revision petition bearing no.663/2025 was filed on 15.11.2025 and the application for seeking condonation of delay has been filed on behalf of Ld. Spl. PP for State.

MAINTAINABILITY AND CONDONATION OF DELAY

37. It is submitted in the revision petition 663/2025 that the delay in filing the revision petition be condoned as the same could not be filed due to procedural compulsions. The aforesaid delay has been objected to by Ld. Counsel for respondent. The reason for delay in filing the revision petition has been stated due to procedural aspects which the state had to undergo before filing of the present revision petition. **The same has been considered and the application for seeking condonation of delay stands allowed.**

38. During the course of arguments it was observed by the court that the criminal revision no.663/2025 was filed by Ld. Spl. PP Sh. Atul Srivastav being appointed as Spl. PP in the present matter and clarification was sought regarding the authority to file the same. Ld. Counsel for the respondent has also objected upon the authority of filing of the criminal revision no.663/2025. Subsequently, during the course of arguments, Ld. Spl. PP for State had shown internal noting on the prosecution file pertaining to his appointment as Special PP and permission for filing the revision petition. Further, it was argued on

behalf of Ld. Spl. PP for State that appointment by the State gives the authority to the prosecution to file cases before courts. **The same has been heard and therefore, the revision petition no.663/2025 filed on behalf of Ld. Spl. PP for State after being appointed as Spl. Public Prosecutor is maintainable.**

WHETHER THE IMPUGNED ORDER WAS AN INTERLOCUTORY ORDER

39. The impugned order dated 05.05.2025 was not an interlocutory order. That order decided the legal rights of the parties, and therefore, present revision petition is maintainable before this court.

FINDINGS

40. Revisionist/State and police official Ramesh Kumar by way of present revision petition has claimed that the impugned order dated 05.05.2025 passed by Ld. Trial Court had effected the legal rights of the revisionist as the same pertain to seeking information whether action could be taken against the police official u/s 166A(b) IPC for refusing to register FIR in the case in which *prima facie* cognizable offence is made out and thereafter also directing the joint CP to comply as per the direction of Hon'ble Supreme Court in ***Amit Kumar Vs. Union of India and Lalita Kumari Vs. State of UP*** which amounted to directing action against the erring official.
41. In the present matter the complainant had filed his complaint u/s 175(3) BNSS /156 (3) Cr.P.C. for seeking registration of FIR before the Ld. Trial Court on 23.09.2024. The Ld. Trial Court sought the IO to file

ATR and on 19.10.2024, the submission was made that the ATR was already filed before Hon'ble High Court of Delhi. It is also mentioned in the order sheet dated 19.10.2024 of Ld. Trial Court that preliminary enquiry was not conducted and after hearing the counsel for complainant it was directed by the Ld. Trial Court "*Issue notice to the SHO concerned to get a preliminary enquiry conducted and examine the proposed accused Yashpal Solanki. He is directed to file ATR before next date of hearing*" Subsequently, on 12.03.2025 ATR was filed. After hearing the submission on behalf of complainant on 30.04.2025, the direction for registration of FIR was made and compliance report was sought on 05.05.2025.

42. In the application of complainant before Ld. Trial Court it has been prayed "*it is therefore prayed that the police may kindly be directed to register an FIR immediately on the complaint dated 31.07.2023 made by the complainant and to undertake investigation into the offences*".

43. Therefore, the Ld. Trial Court after hearing submissions on 30.04.2025 had allowed the aforesaid prayer of the respondent. Upon the direction of court, FIR was registered. As observed by Hon'ble High Court of Delhi in the case of ***M/s Gabrani Infrastructure (supra)*** wherein it has been held that "*once direction for registration of FIR was given u/s 156(3) Cr.P.C. the magistrate becomes functus officio and he has no jurisdiction to interfere in the investigation*".

44. Therefore, once the Ld. Trial Court had already granted the prayer of the respondent, no further direction were required to be passed. It is settled law that the relief sought in the prayer can only be granted and therefore, once the application of the respondent was allowed the Ld. Trial Court was not required to pass any further direction as it has become *functus officio*. Moreso, the complainant had filed his complaint before the police officials on 11.05.2024 and since there was confusion regarding jurisdiction, the police officials could not take any action and thereafter, the ATR was filed before Hon'ble High Court and since the respondent was granted liberty to file appropriate application. He had filed his application on 23.09.2024 and only upon the direction of Ld. Trial Court dated 19.10.2024, preliminary enquiry was conducted and thereafter, the application of the respondent was allowed. Further, the respondent on making submission before the Ld. Trial Court on 05.05.2025 further sought relief, and direction, which the Ld. Trial Court passed without giving opportunity for the State to be heard. **Therefore, the impugned order dated 05.05.2025 is bad in law and hence, set aside. Both revision petitions stands allowed.**

45. TCR be sent back alongwith copy of this order for information and compliance.

46. **File be consigned to Record Room after due compliance.**

Order dasti

Announced in open Court

[Sheetal Chaudhary Pradhan]
ASJ-02/South East District
Saket Courts/New Delhi/11.07.2026 (vk)