

IN THE COURT OF MS. SURABHI SHARMA VATS: ADDITIONAL
SESSIONS JUDGE-04: SHAHDARA: KKD COURT: DELHI.

Cr. Rev. 58/2026

Smt. Usha
W/o Sh. Bhola Shankar,
R/o C-40, Second Floor, DDA Colony,
West Gorakh Park, Shahdara,
Delhi-110032.

Through Special Power of Attorney
Mr. Sonu Yadav
S/o Sh. Bhola Shankar,
R/o 105, Krishna Gali, Pahar Ganj,
New Delhi- 110055.

...Revisionist

Vs.

1. State
Government of NCT of Delhi.

2. Mr. Pawandeep Khurana,
S/o Late Sh. K.G. Khurana,
R/o 747, Street No. 5,
Jwala Nagar, Delhi 110032.

...Respondents

ORDER

1. Present revision petition has been filed under Section 438/440 BNSS, 2023 (Old Section 397/399 Cr.P.C.) against the impugned order dated 15.05.2025 passed by Ld. JMFC-02, Shahdara, Karkardooma Courts, Delhi (*hereinafter referred to as Ld. Trial Court*) in CT No. 718/2023 titled as 'Usha Vs. Pawandeep Khurana' whereby, the application under Section 156(3) Cr.P.C. filed by the revisionist has been dismissed and the matter has been fixed for Pre-summoning

evidence.

2. The revisionist has challenged the impugned order on the following grounds (sum and substance of those grounds is as follows):

- i. that the impugned order is based on surmises and conjectures;
- ii. that the Ld. Trial Court has passed the impugned order without appreciating the complaint case and documentary proof filed on record;
- iii. that the Ld. Trial Court has failed to consider the Collaboration Agreement dated 01.06.2015;
- iv. that the Ld. Trial Court has wrongly come to the conclusion that the present dispute is of civil nature;
- v. That the Ld. Trial Court failed to consider that a prima facie case of cheating, criminal breach of trust etc is made out against the accused;
- vi. that the Ld. Trial Court has failed to consider that there is nothing on record from the side of the respondent to deny the version of the revisionist.

3. At the very outset, this Court deems it apposite to dwell upon the scope of Revisional Jurisdiction of this Court.

The Hon'ble Apex Court in '**New India Assurance Co. Ltd. Vs. Krishna Kumar Pandey**', CrI. Appeal No.1852 of 2019 decided on 06.12.2019, made the following observations :

"8. The scope of the revisional jurisdiction of the High Court (or Sessions Court) under Section 397 Cr.P.C, is limited to the extent of satisfying itself as to the correctness, legality or propriety of any

finding, sentence or order passed by an inferior Court. The revisional Court is entitled to look into the regularity of any proceeding before an inferior Court. As reiterated by this Court in a number of cases, the purpose of this revisional power is to set right a patent defect or an error of jurisdiction or law."

4. In this regard, it would also be apt to quote another judgment of **Taron Mohan v. State & Anr, Criminal Rev. Petition 646/2018, decided on 25.01.2021**, wherein Hon'ble Delhi High Court has observed as under:-

"9. The scope of interference in a revision petition is extremely narrow. It is well settled that Section 397 CrPC gives the High Courts or the Sessions Courts jurisdiction to consider the correctness, legality or propriety of any finding inter se an order and as to the regularity of the proceedings of any inferior court. It is also well settled that while considering the legality, propriety or correctness of a finding or a conclusion, normally the revising court does not dwell at length upon the facts and evidence of the case. A court in revision considers the material only to satisfy itself about the legality and propriety of the findings, sentence and order and refrains from substituting its own conclusion on an elaborate consideration of evidence."

5. The precise purpose of Revision is to examine the correctness, legality and propriety of the order in question and to set right a patent defect or an error of jurisdiction or law. Needless to say, that the power of revision needs to be exercised fairly, rationally and judiciously in order to put right any manifest error of law or jurisdiction.

6. Perusal of the impugned order dated 15.05.2025 reveals that the Ld. Trial Court dismissed the application of the revisionist under Section 156(3) of Cr.P.C., while making the following observations :-

"... After perusal of record, I am of the view that this is not a fit case for registration of FIR. The complainant is in a position to prove the

allegations without any assistance of the police. Identity of the accused is known to the complainant and no evidence needs to be unearthed by the Police.

At the same time, re-course of inquiry by police is also available by virtue of section 202 Cr.P.C, hence, applying the legal position, I find no ground fro proceeding u/s 156(3) Cr.P.C, hence, the application stands dismissed. The complainant is given opportunity to prove his case by adducing CE....."

7. Arguments on the present revision petition have been heard and the record has been perused by this Court.

8. Succinctly stated, it is the case of the complainant/revisionist, that the respondent/accused Pawandeep Khurana, who is engaged in the business of construction, falsely represented himself to be the owner of a property situated in Naveen Shahdara, Delhi, and allegedly induced the complainant/revisionist in September 2015 to purchase a flat therein, on the assurance of lawful ownership and future gains; that relying upon such representations, the complainant agreed to purchase a flat for a total consideration of Rs. 23,00,000 and an agreement to sell dated 30.09.2015 was executed; that in pursuance thereof, the complainant paid a substantial amount of Rs. 21,50,000 in installments to the respondent, leaving only Rs. 1,50,000 to be paid at the time of execution of the sale deed; however, despite repeated requests and follow-ups, the accused/respondent deliberately failed to execute the sale deed and continued to delay the matter on false and frivolous grounds; that a fresh agreement dated 14.08.2018 was also executed at the instance of the accused/respondent, yet he neither completed the transaction nor handed over the possession; that later the accused/respondent out-rightly refused to honour the agreement, stating

that the market value of the property has increased and he intended to sell the flat to someone else; that upon further inquiry, the complainant/revisionist discovered that the accused/respondent was not the owner of the property and had no authority to enter into such agreements; that the accused also failed to return the amount received and even extended threats to the complainant and her family when demanded; that despite lodging complaints with the Police authorities, no action was taken, compelling the complainant to file an application under Section 156(3) Cr.P.C., which was dismissed by the Ld. Trial Court. Hence, the present revision petition has been filed seeking setting aside of the impugned order and issuance of directions for registration of FIR against the accused/respondent.

9. Perusal of the record reveals that ATR was called by the Ld. Trial Court and perusal of the same reveals that it has been reported that the matter pertains to property dispute and handing over the possession of the subject property and breach of agreement; that during the course of enquiry, it came to light that in respect to the subject property, the complainant/Revisionist has already filed a Civil Suit which is sub-judice.

10. After a meticulous examination of the record and submissions advanced by the parties, it is evident that all the material facts and material including the alleged Agreement to sale pertaining to the sale of the property in question are within the possession of the complainant/revisionist. The identity of the proposed accused is already known to the complainant. At this stage, there seems to be no circumstance which is outside the direct knowledge of the complainant or which would require the specialized assistance of the Police for collection of any evidence. In

the present case, no new facts are to be unearthed for which investigation is required. It has also been reported in the ATR that the present case pertains to handing over of the possession of the subject property and breach of agreement and a Civil Suit filed by the complainant/revisionist is also stated to be pending.

The impugned order dated 15.05.2025 reflects proper and conscious application of judicial mind. The findings of the Ld. Trial Court seem to be based on material available on record and cannot be said to be arbitrary or mechanical. The order is a speaking order reflecting due satisfaction of the judicial conscience.

Further, the Ld. Trial Court can also resort to section 225 BNSS (202 Cr.P.C.) in case the requirement of investigation arises at a later stage and the same has also been recorded by the Ld. Trial Court in the impugned order dated 15.05.2025. The reasons for not ordering registration of FIR in the instant case are well founded and are duly reflected in the order passed by the Ld. Trial Court.

11. In the considered opinion of this Court, in this case at hand, Ld. Trial Court has decided an application U/s 156(3) Cr.P.C. (now 175(3) BNSS) after applying the abovestated settled principles of law in this regard (for exercising power U/s 175(3) BNSS).

The impugned order dated 15.05.2025 passed by Ld. JMFC, Shahdara, Karkardooma Courts, Delhi vide which the application of the accused/ revisionist herein U/s 156(3) Cr.P.C. has been dismissed, does not suffer from any error or illegality. The facts and circumstances of the present matter, as discussed above, do not call for any interference in the order dated 15.05.2025 passed by Ld. JMFC, Shahdara, Karkardooma Courts, in exercise of revisional jurisdiction by this Court. Accordingly, in

view of the foregoing discussion, the present Revision Petition stands dismissed and the impugned order of Ld. Trial Court is hereby, upheld.

Revision file be consigned to Record Room. Copy of this order with Trial Court Record be sent to Learned Trial Court for necessary intimation.

**Announced and dictated in the
open court on 07.05.2026**

**(SURABHI SHARMA VATS)
ASJ-4/Shahdara/KKD/
Delhi/07.05.2026**