

**IN THE COURT OF AJAY GARG
SPECIAL JUDGE-NDPS/ASJ (SOUTH)
SAKET COURTS COMPLEX, NEW DELHI**

**Crl. Revision No. 212/2025
CNR No. DLST01-006561-2025**

RAJNESH KUMAR
S/o Sh. Kumar Sain,
R/o H. No. H-279,
Dr. Ambedkar Nagar, Sector -5,
New Delhi - 110062

.....Revisionist

Vs.

1. VIRENDER MEWATI
R/o C-34, First Floor, Block ABC,
Shiv Park, Khanpur,
New Delhi – 110062.

2. DEEPIKA
D/o Sh. Rohtash
R/o C-34, First Floor, Block ABC,
Shiv Park, Khanpur,
New Delhi – 110062
And at 268A, Hauz Rani, Malviya Nagar,
New Delhi – 110017.

3. IO Sonu Giri
Through SHO PS Ambedkar Nagar, New Delhi.

.....Respondents

**Date of assignment : 08.05.2025
Arguments heard on : 16.03.2026
Date of Order : 16.03.2026**

ORDER

1.0 The present revision petition has been filed by the revisionist Rajnesh Kumar (hereinafter referred to as the 'revisionist' herein) aggrieved by the order dated 24.04.2025

(hereinafter referred to as the 'impugned order') passed by the Ld. CJM (South) whereby the application u/s 156(3) Cr.PC of the revisionist was dismissed.

2.0 Brief facts are that the revisionist got married to one Neelam (niece of respondent No.1 & 2) on 28.11.2022. Thereafter, his wife went to her parental house on 01.03.2023 for Holi festival. Thereafter, cousin of wife of the revisionist demanded sexual favour from his wife and the respondent No. 1 and 2 sent vulgar and life threatening messages to the revisionist. Upon this, on 26.04.2023, the revisionist filed a complaint against respondent No.2 before the Cyber Cell, Saket, South, Delhi and thereafter, filed complaint u/s 156 (3) Cr.PC (CT No. 843/24) on 09.06.2023 before the Ld. CJM which was dismissed by the Ld. CJM vide order dated 18.07.2025. The revisionist filed a revision petition bearing No. CR No. 171/24 before the Ld. Principal District & Sessions Judge (South) who issued notice to the respondents through all modes. Pursuant to the said notice the respondent No. 3 appeared before the Ld. Principal District & Sessions Judge on 04.06.2024 alongwith respondent No.1 and the matter was adjourned for 09.08.2024 for filing reply by the respondents. It is further alleged that on 04.07.2024, when the revisionist went to ATM to withdraw cash, the respondent No. 1 Virender Mewati (mama of revisionist's wife) and respondent No. 2 Deepika (wife of respondent no.1) stalked him to the ATM and stared at him. The respondent No.1 ran towards the ATM but stopped as he saw CCTV cameras. The revisionist got scared and left the ATM without withdrawing the cash. Thereafter, at about 9pm, the revisionist went to the police station to lodge a complaint but the same could not be registered

even after waiting for 40-45 minutes in the police station. Thereafter, on the next day i.e. 05.07.2024, in the morning, the revisionist again visited PS Ambedkar Nagar and lodged the complaint No. 00081670642401175/2024.

2.1 As per the allegations, despite lodging of the complaint, no phone calls or assurances were given by the PS Ambedkar Nagar and thereafter, revisionist filed two separate applications before the Ld. CJM on 16.07.2024 - one for CCTV footage and another for Status Report. On the direction of Ld. CJM, IO SI Sonu Giri filed a report on 27.07.2024 that no CCTV cameras were installed at the place of incident. However, revisionist filed a reply and submitted that around 7-8 cameras were installed near the place of incident. Thereafter, after repeated directions from Ld. CJM, respondent No. 3 filed report on 05.10.2024 that 7-8 cameras were installed in the vicinity, however, submitted that the preservation time of CCTV footages was over.

2.2 It was further alleged that despite the revisionist filing a written complaint, no FIR was lodged by the police despite repeated requests. Thereafter, the revisionist filed a complaint u/s 156(3) Cr.PC before the Ld. CJM (South) for registration of FIR against the respondents.

3.0 The Ld. CJM (South) after going through the documents on record including the ATR filed by the Enquiry Officer and considering the arguments as advanced by both the sides dismissed the application u/s 156(3) Cr.PC and fixed the matter for pre-summoning evidence.

4.0 I have heard the rival contentions and perused the record carefully.

5.0 After going through the impugned order, this court

finds that the Ld. CJM has rightly observed that the details of the alleged offence are within the knowledge of the revisionist and the identity of the offenders is also well-established. The entire evidence is within the reach of the revisionist and no investigation by police is required for collection of any evidence. The Ld. CJM also rightly observed that if the assistance of police would be required at any stage, same can be procured by resorting to the provisions of Section 202 Cr.P.C.

6.0 *In Arvindbhai Rajivbhai Patel Vs. Dhirubhai Sambhubhai 1998 (1) Crimes 351*, the Hon'ble Gujarat High court took strong exception to the growing tendency of asking the police to investigate cases u/s 156 (3) of the Code and advised the Magistrate not to pass orders mechanically. It was held that the Magistrate should act u/s 156 (3) of the Code only in those cases where the assistance of the police is essentially required and the Magistrate is of the considered view that the complainant on his own may not be in a position to collect and produce evidence in support of the accusations.

7.0 *In M/s Skipper Beverages Pvt. Ltd. Vs. State, 92 (2001)DLT 217*, the Hon'ble Delhi High Court interalia held as under:

“Section 156 empowers a Magistrate to direct the police to register a case and initiate investigation but this power has to be exercised judiciously and not in a mechanical manner. Those cases, where allegations are not very serious and complainant himself is not in possession of evidence to prove his allegations, there should be no need to pass orders u/s 156. But cases where Magistrate is of the view that the nature of the allegations is such that the complainant himself may not be in a position to collect and produce evidence before the court, and interests of justice demand that the police should step into to help the complainant, police assistance can be taken. Thus, where allegations of theft of cheque and forging of typing out certain portions therein, could be proved by oral evidence and by summoning original cheque from banker and leading required evidence respectively, then there was no

such evidence which complainant could be unable to collect on his own. As such declining request to issue directions to police u/s 156(3) would be justified.”

8.0 Once an application u/s 156(3) is moved before the Magistrate, the Magistrate must apply his mind while exercising his powers for directing the investigation. These powers must not be used to pass orders mechanically on the mere asking by the complainant. These powers ought to be exercised primarily in those cases where the allegations are quite serious or evidence is beyond the reach of the complainant or custodial interrogation appears to be necessary for some recovery of article or discovery of fact.

9.0 Coming to the facts of the present case, Ld. CJM after applying his mind decided not to send the case for investigation to police and opted to take cognizance on the complaint and has proceeded to list the matter for recording testimony of the complainant and his witnesses in pre-summoning evidence. Once the Magistrate has opted to exercise his discretion of not sending the matter for investigation, this Court while exercising the powers of revisional jurisdiction need not substitute its own opinion with the opinion of the Ld. Magistrate. Reliance is placed upon a decision of the Hon'ble Delhi High Court in ***Tarun Mohan Vs. State and Another (2021) SCC online (DEL) 312***, wherein it was observed as under:

“The scope of interference in a revision petition is extremely narrow. It is well settled that Section 397 Cr. P.C 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 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.”

10.0 The Hon'ble Supreme Court in ***Sanjay Sinh Ramrao Chavan Vs. Duttatray Gulabrao Phalke & Ors., 2015 (3) SCC 123*** observed as under:

“14. Unless the order passed by the Magistrate is perverse or the view taken by the court is wholly unreasonable or there is non consideration of any relevant material or there is palpable misreading of records, the revisional court is not justified in setting aside the order merely because another view is possible. The revisional Court is not meant to act as an appellate court. The whole purpose of revisional jurisdiction is to preserve the power of the court to do justice in accordance with the principles of criminal jurisprudence. The revisional power of the court u/S 397 to 401 Cr.PC is not to be equated with that of an appeal.”

11.0 The Ld. CJM has considered all the relevant factors and has come to a reasoned finding. This court is of one opinion that there is no infirmity or illegality in the impugned order. The same does not warrant any interference. **The instant revision petition is accordingly dismissed.**

12.0 Copy of the order be sent to Ld. Trial Court for information.

13.0 **Revision file be consigned to Record-Room.**

Announced in Open Court on **(Ajay Garg)**
16.03.2026 Special Judge (NDPS)/ASJ (south)
Saket Courts, New Delhi