

Complaint Case No. 06/2019

Chandrakala Devi & Anr. Vs. Shabana & Ors.

19.12.2020

Present : Complainant in person with Ld. Counsel Sh Lal Bahadur Pandey.

IO is not present. It is submitted by naib court that IO has telephonically informed him that due to arrangement in farmer's agitation, he is unable to come today.

Ld. Counsel for complainant insists to address his arguments on application u/s 156(3) Cr.P.C as status report is already on record filed by the IO.

Therefore, I have heard Ld. Counsel on the application u/s 156(3) Cr.P.C.

To come up for orders at 4.00 PM.

(POORAN CHAND)
Addl. Sessions Judge-02/
Spl. Judge (SC & ST) Act,
West District, Delhi

4.15 PM

Present: None.

Vide my separate order, application u/s 156(3) has been dismissed.

Complainant is called upon to lead evidence u/s 200 Cr.P.C.

Put up for complainant's evidence on 24.02.2021.

(POORAN CHAND)
Addl. Sessions Judge-02/
Spl. Judge (SC & ST) Act,
West District, Delhi/19.12.20

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19.12.2020

ORDER:

I have heard arguments on the application u/s 156(3) Cr.P.C and perused the record. I have also perused the action taken report.

The case of the complainant as per her complaint dated 12.12.2019 is that on 10.12.2019 at about 4.30 PM she was present at her house, suddenly, her neighbours namely Shabana, Reena, Lata, Mithilesh, Kishan, Rekha, Dinesh and other associates forcefully entered her house with criminal intent and conspiracy and they pulled her hairs and pushed her to the ground and mercilessly beat her with fist and leg blows and dragged her outside on the street. They also torn her kurta. In the street, Shabana also injured her with a stone and threatened her to kill. It is further alleged that after half an hour, her husband reached there and called PCR. Police came at 9.00 PM, however, no action was taken by them. It is further alleged that at about 11.30 PM, two policemen came and one of them beat her husband with fist and leg blows and dragged her to police station and at about 3.AM, he was thrown from PS.

It is argued that despite specific complaint made to

the DCP, West and other forum, no action has been taken by the police against the accused persons including police officials who beat the husband of the complainant.

It is also argued that no MLC of the complainant was got conducted by the police which further goes against the police.

In support of his arguments, Ld. Counsel has relied on case law titled as Lalita Kumari Vs. Govt. of U.P. & Ors passed in Crl. Appeal No. 1410 of 2011 by Hon'ble Supreme Court of India.

In the above mentioned circumstances, it is prayed that directions may be issued to the SHO concerned to register FIR against the accused persons.

I have considered the submissions as well as the case law relied upon by Ld. Counsel for complainant.

Before further adverting to the facts of the present case I would like to mention the guiding principles for giving directions for the investigation U/s 156 (3) Cr.PC. The law is well settled that the provisions U/s 156 (3) Cr.P.C. should not be used unless there is something unusually or extraordinary like miscarriage of justice which warrants a direction to the police to register a case. The reliance is placed upon the judgments of Hon'ble High Court of Delhi in case titled as Subhakaran Loharuka Vs. State 2010 (3) GCC 1972 and Skipper Beverages Vs. State, 2002 crl. L J NOC333 and Hon'ble High Court of Allahabad in case titled as Ram Babu Gupta Vs. State of UP 2001 Criminal Law General 3363, Gulab Chand Upadhyaya Vs. State of UP Cr. L J 2907.

Here in the present case, the evidence which is required to be collected is within the reach of the complainant or that which would require field investigation by the police.

The law is well settled that the provisions U/s 156 (3) Cr.P.C. should not be used unless there is something unusually or extraordinary like miscarriage of justice which warrants a direction to the police to register a case. Therefore, this court is of the considered view that the complaint can very well be enquired into by court inquiry u/s 200 Cr.P.C. Moreover, if any fact requiring police investigation, after conclusion of pre-summoning evidence, the said fact can very well be verified/investigated through police U/S 202 Cr P C.

Therefore, in view of the discussion above and in view of the settled law I am of the view that in the present case, there is no need for giving directions for registration of FIR. Resultantly, application u/s 156(3) Cr.P.C stands dismissed. I take cognizance of the offences. Complainant is called upon to lead her evidence u/s 200 Cr.P.C.

**Announced in
the Open Court**

**(POORAN CHAND)
Addl. Sessions Judge-02/
Spl. Judge (SC & ST) Act,
West District, Delhi
19.12.2020**