

CT Case No. 1215/2025

Saram Santosh vs. Medishetty Latha and Anr.

PS Madhu Vihar

15.11.2025

ORDER

1. Vide this order an application filed by the complainant under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”) is decided.
2. Briefly stated, the allegations in the complaint are that the complainant got married with one Medishetty Anuhya i.e. the daughter of the alleged accused persons Medishetty Surendhar and Medishetty Latha on 03.01.2021 at Hyderabad State Telangana and from this wedlock one son was born on 12.11.2021. Since 2021, both the alleged accused persons have been harassing and pressuring the complainant for one reason or another. On 04.12.2024, wife of the complainant along with the alleged accused persons without giving any information went back to their hometown and on the same day at evening time approx. 08:30 PM after complainant returned from his office and started searching for his laptop and other things. complainant found that one laptop, Rs. 4,00,000/- in cash, personal gold worth Rs.5 lakh rupees were missing from locker of the complainant.
- 2.1. It is alleged that the accused persons/in-laws of the complainant have stolen all articles and jewelry and cash amount belonging to the complainant before leaving the house of the complainant. When the alleged accused persons were called by the complainant, they asked for the property papers from the complainant. The complainant made written complainants to the SHO P.S. Madhu Vihar, and higher police authorities against the accused persons and other

illegal/wrong acts and deeds of the accused persons and the SHO and other higher police authority received the complaints of the complainant, but they willfully, deliberately and intentionally saved all the accused persons from legal action. Hence the present application.

3. Action Taken Report (“**ATR**”) was called from the concerned SHO. As per the inquiry conducted it has been reported that during enquiry, it was found that the wife of the complainant had registered an FIR no. 361/2024 dated 15/12/2024 u/s 85 BNS and 4 DP Act PS Mallial against the complainant and his family members. Complainant came to know of the incident as alleged by him on 04/12/2024 but no PCR call, complaint or any MLC was conducted prior to this complaint but the complainant gave his complaint only after his wife had registered an FIR against him on 15/12/2024. From the enquiry conducted, it was concluded that no theft as alleged by the complainant took place. There is family and matrimonial dispute between both the parties. Therefore, considering the facts and circumstances, the complaint was filed, and no FIR was registered.
4. Ld. Counsel for the complainant has argued, *in nutshell*, that despite clear commission of cognizable offences of theft and extortion, police have failed to register FIR. The police are bound to register an FIR under the law.
5. In ***M/s Skipper Beverages Pvt Ltd vs State, 2001 IV AD (Del) 625***, it was held as under:-

“7. It is true that Section 156(3) of the Code empowers a Magistrate to direct the police to register a case and initiate investigations but this power has to be exercised judiciously on proper grounds and not in a mechanical manner. In those cases where the allegations are not very serious and the complainant himself is in possession of evidence to prove his allegations there should be no need to pass orders under Section 156(3) of the Code. The discretion ought to be exercised after proper application of mind and only in those cases where the 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 in

to help the complainant. The police assistance can be taken by a Magistrate even Under Section 202(1) of the Code after taking cognizance and proceeding with the complaint under Chapter XV of the Code as held by Apex Court in 20001 (1) Supreme Page 129 titled " Suresh Chand Jain Vs. State of Madhya Pradesh & Ors."

6. In **Ravindra Kumar vs State (Govt of NCT of Delhi)**, the **Hon'ble High Court of Delhi** held:

"5. Remedy under Section 156(3) Cr.P.C. is a discretionary one as the provision proceeds with the word 'may'. The Magistrate is required to exercise his mind while doing so and pass orders only if he is satisfied that the information reveals commission of cognizable offence/offences and also about necessity of police investigation for digging out of evidence neither in possession of the complainant nor can be procured without the assistance of the police. The complainant, as a matter of right, cannot insist that the complaint case filed by him/her should be directed in every eventuality to the police for investigation."

7. It is a trite law that the power under Section 156(3) CrPC (now section 175(3) BNSS) is to be resorted to, after consideration of various factors and the term 'may' used in the provision empowers the Magistrate to use discretion, which should not be used in a mechanical manner rather the Magistrate should apply his mind while doing so. The Magistrate should pass orders only if he is satisfied that the information reveals commission of cognizable offences and also about necessity of police investigation for digging out evidence neither in possession of the complainant nor can be procured without the assistance of the police. It is thus not necessary that in every case merely because an application has also been filed under Section 156(3) of CrPC that the Magistrate should direct the Police to investigate the crime even though the evidence to be led by the complainant is in his possession or can be produced by summoning witnesses, may be with the assistance of the court or otherwise. Reliance here is also places upon **Shri Subhkaran Luharuka vs. State ILR (2010) VI DELHI 495 and Mohd. Salim**

vs. State 2010 SCC OnLine Del 1053.

8. There is no such material available on record on the basis of which it can be believed that cognizable offence was committed by alleged accused persons and FIR should have been lodged or should be lodged at this stage. From the facts and available reports, it is seen that both the sides are involved in matrimonial dispute. This Court is not able to understand why the complainant waited for approximately 10 days if all the precious articles including cash were stolen. Complainant made complaint in the present matter only after FIR was lodged against him. Even no new facts are to be unearthed, and custodial interrogation of the accused will also be no required. Hence, there is no requirement of passing direction of registration of FIR and this Court is of the opinion that investigation as per Chapter XII of CrPC is not required in the present case. **In view of the facts and circumstances discussed hereinbefore and the law laid down with respect to Section 156(3) CrPC (corresponding section being 175(3) BNSS), the application under Section 175(3) BNSS stands dismissed.**

**(UDBHAV KUMAR JAIN)
JMFC-04/SHD/KKD
15.11.2025**