



\$~48

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 383/2021 & CRL.M.A. 18680/2021, CRL.M.A.
6329/2022

ASHISH BHALLA

..... Petitioner

Through: Mr. Sudhir Nandarajog, Senior
Advocate with
Mr. Balasubramaniam Rama Iyer,
Advocate.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Amit Peshwani, Advocate for
Ms. Nandita Rao, ASC.
SI Benkatesh, PS Sarita Vihar.
Mr. S.S. Wani and Ms. Tannavi
Sharma Advocates.

CORAM:

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

31.05.2022

%

CRL.M.A. 6329/2022

1. This is an application under section 482 seeking amendment of prayer in the captioned matter seeking setting aside of the impugned order dated 20.11.2021 passed by Ms. Manu Goel Kharb. Ld. MM South-East. Saket Courts, New Delhi in complaint case 5390/2020 titled as "Green Edge Infrastructure Pvt. Ltd. v. Ashish Bhalla and Ors".

2. The existing prayer clause of petition is reproduced hereunder:-

(a) Set aside impugned dated 20.11.2021 passed by the court of Ms. Manu Goyal Kharb, Ld. MM, South-East, Saket District Courts, New Delhi in CT No. 5390/2020 titled "Green Edge Infrastructure Pvt. Ltd. v. Ashish Bhalla & Ors." whereby SHO Santa Vihar PS has been directed to register a FIR on the complaint of Respondent no.2;

CRL.REV.P. 383/2021

Page 1 of 3



(b) Quash the impugned Order dated 20.11.2021 passed by the court of Ms. Manu Goyal Kharb, Ld. MM, South-East, Saket District Courts, New Delhi in CT No. 5390/2020 titled "Green Edge Infrastructure Pvt. Ltd. v. Ashish Bhalla Ors.", and all the consequential proceedings emanating therefrom including the FIR so registered, if any;

c) pass any other order/orders which this Hon'ble Court may be pleased in the facts & circumstances of the case.

3. As per the amended application, the petitioner wants to add two more prayers as mentioned in para 7 of the said application, which are reproduced hereunder:-

"(d) Quash the FIR No. 406/2021 dated 23.11.2021 registered at P.S. Sarita Vihar, New Delhi and all consequential proceedings arising thereto; and/or

(e) Pass an order thereby staying the operation and effect of the FIR No.406/2021 and any other consequential proceeding arising therefrom, pending final adjudication of the captioned petition;"

4. Notice of this application was issued on the last date of hearing. Learned counsel for the respondent has vehemently opposed this amendment on the ground that petition itself is not maintainable and it was the respondent who pointed that although the petitioner had challenged the order passed on the application under Section 156(3) Cr.P.C., but an FIR had already been registered on the basis of the impugned order, even before the petition was filed.

5. The other contentions raised by the learned counsel for the respondent is that even if the amendment is allowed, irrespective of such amendment,



the petition will not be maintainable.

6. It is made clear that at this stage this Court is not commenting upon the maintainability of the original petition, if the amendment application is allowed.

7. By the present application, the relief sought is addition of two more reliefs, which are otherwise covered as rightly pointed out by the learned counsel for the respondent in the existing prayers. However, to make the things little clear and to take in account the subsequent developments, which had already taken place before the present petition was moved, i.e., the registration of FIR and allotment of FIR number i.e. 406/2021, PS Sarita Vihar. It has been brought on record by way of amendment application.

8. In view of this, the amendment application is allowed. The amended petition be placed on record within two days after supplying the copy to the other side.

9. List this matter for arguments on maintainability of petition on 03.08.2022. Both parties may submit brief synopsis of not more than two pages.

10. Interim orders to continue.

TALWANT SINGH, J

MAY 31, 2022/mr

[Click here to check corrigendum, if any](#)