

# Jagjeet Mohan Lal Rajput vs State Of N.C.T. Of Delhi & Ors on 19 October, 2022

**Author: Anoop Kumar Mendiratta**

**Bench: Anoop Kumar Mendiratta**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 5047/2022

JAGJEET MOHAN LAL RAJPUT

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Through: Mr. V.K. Malik, Mr. R.R. Malik a  
Mr. Deepak Kumar, Advocates.

versus

STATE OF N.C.T. OF DELHI & ORS.

..... Respon

Through: Mr.Aman Usman, APP for State alo  
with SI Mahavir Singh.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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19.10.2022

CRL.M.A. 20148/2022

Exemption allowed, subject to just exceptions and filing of certified copies on record.

Application is accordingly disposed of.

1. Petition has been preferred on behalf of the petitioner under Section 482 Cr.PC read with Article 227 of the Constitution of India with the following prayers:

"a) to issue appropriate direction or order calling for the records and setting aside the impugned order dated 22.07.2022 passed Ms. Neha Paliwal Sharma, ASJ-05, West District, Tis Hazari Courts, Delhi;

b) to issue appropriate direction or order thereby directing the Respondent no. 2 to register an F.I.R. under sections 120B, 384, 406, 420 and sections 3 & 4 of the Maharashtra Control of Organised Crime Act, 1999 against the Respondent nos. 5 and 6/Accused Persons;

c) to issue appropriate direction or order thereby directing any other or superior investigating agency to investigate the complaint filed under section 156 (3) of Criminal Procedure Code, 1973 dated 23.10.2021 in a time bound manner; and

d) to issue appropriate writ, direction or order thereby directing Respondent No.1 to

initiate an inquiry against the erring police officials responsible for delaying the registration of F.I.R.

despite the directions issued in the order dated 14.07.2022 passed by Sh. Aakash Sharma, MM-o8. West District, Tis Hazari Courts, Delhi."

2. Issue notice. Learned APP for the State appears on advance notice served upon the State and accepts notice.

3. Learned counsel for the petitioner submits that the petitioner had preferred an application under Section 156 (3) Cr.PC before the learned MM and after consideration of facts and documents on record, directions were issued for registration of an FIR. Further, since no action was taken by the SHO, Police Station Paschim Vihar, an application dated 21.07.2022 was preferred for appropriate action and implementation of the order dated 14.07.2022 passed by the learned MM. However, in the meantime, respondent No. 6 Sonia Verma filed a criminal revision petition against order dated 14.07.2022, passed by learned MM, on which the stay was granted by the learned Additional Sessions Judge.

4. I am of the considered opinion that since a Revision Petition already stands preferred on behalf of respondent No. 6 Sonia Verma against the order passed by the learned MM, it may be preposterous at this stage to entertain the Criminal Misc. Petition filed on behalf of the complainant/petitioner for staying the order passed by the learned Revisional Court merely because the order passed by the learned MM has been stayed during consideration of Revision Petition.

No grounds for interfering in the proceedings are made out at this stage.

However, the learned Additional Sessions Judge is expected to consider the submissions made on behalf of the petitioner for vacation of stay, if any application is preferred before the concerned Additional Sessions Judge and dispose of the Revision Petition preferred on behalf of respondent No. 6/Sonia Verma, in accordance with law.

Petition is accordingly disposed of.

Nothing stated herein shall tantamount to expression of opinion on merits of the case.

A copy of this order be forwarded to the learned Trial Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J OCTOBER 19, 2022/A