



2026:DHC:2972



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 09.04.2026

+ **W.P.(CRL) 1138/2026**

ANITA

.....Petitioner

Through: Mr. Shailendra Mani Tripathi, Ms. Pooja Shilpkar, Mr. P. Raghav Mishra, Ms. Manisha Yadav, Mr. Praveen Kumar Mishra and Mr. Vishal Kumar, Advocates

versus

STATE OF NCT DELHI & ORS.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for the State and Mr. Alok Sharma, Advocate with SI Sandeep

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. For convenience, the prayer clause of the petition is extracted below:

“In view of the aforesaid facts and circumstances, the petitioner herein most humbly prays that this hon'ble court may be pleased to:

A. Direct the respondent no 2 to take appropriate action on representation/ complaint of the petitioner dated 13.02.2026 which is annexed with this petition as annexure P-1, in the compliance of the direction of Hon'ble supreme court regarding Lalita Kumari versus State of UP [2013] 14 S.C.R. 713 read with section 173 of BNSS 2023.



B. Direct the respondent no. 2 to take appropriate action accordance with law against erring officers for deliberate negligence.

C. Pass any other order(s) as this Hon'ble Court may deem fit in the interest of justice.”

(emphasis supplied)

2. At the outset, learned counsel for the petitioner submits that his prayer in the present case is not for registration of FIR, but only for appropriate action on his complaint. That being so, learned ASC for State appearing on advance intimation submits that they are already acting on the complaint/representation of the petitioner in accordance with law and inquiry is already being conducted to ascertain if any cognizable offence is made out from the complaint.
3. Learned counsel for petitioner submits that police has no power to decide whether the complaint makes out a cognizable offence or not and it is only the complainant, who shall decide if a cognizable offence is made out or not.
4. Learned counsel for petitioner wants to refer to some notification, but copy of that notification has not even been filed.
5. *Prima facie*, the petition appears to be completely frivolous because the petitioner is conscious that she cannot file a petition seeking registration of FIR without exhausting the remedies available in law. Besides, I have also gone through the complaint dated 13.02.2026 of the petitioner. Since



2026:DHC:2972



the issue is yet to be examined by the competent court of Magistrate, I would refrain from recording my view as to whether any cognizable offence is made out or not.

6. The petition is completely devoid of merit and frivolous, therefore, dismissed.

**GIRISH KATHPALIA
(JUDGE)**

APRIL 9, 2026
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