



2026:DHC:6113



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 30.07.2026

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+ CRL.M.C. 3273/2026

SH. KAMAL KISHORE KAPOOR

.....Petitioner

Through: Mr. Rajender and Mr. Rakesh Singh,
Advs.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for
State.
SI Vicky Kumar, PS Preet Vihar,
Delhi

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

Madhu Jain, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS') seeking setting aside of the impugned order dated 13.11.2025 passed by the learned Additional Sessions Judge (FTC), East district, Karkardooma Courts, Delhi in ***Crl.Rev.no. 135/2025*** and restoration of the order dated 14.05.2025 passed by the learned ACJM (East) directing registration of FIR under section 175(3) of the BNSS.
3. Briefly stated, it is the case of the petitioner that, during the period from January to April, 2024, the petitioner/complainant, along with his son and



daughter-in-law, advanced certain loan amounts to Respondent No. 2 through accounted bank transfers, which were allegedly agreed to be repaid by 10.09.2024. It is further the case of the petitioner/complainant, that, upon disputes arising between the parties, legal notices dated 20.09.2025, 22.09.2025 and 25.09.2025 were issued, a police complaint dated 23.09.2025 was lodged, and recovery proceedings were instituted on 09.10.2025 and 19.10.2025. Thereafter, Complaint Cases bearing CC NI ACT No. 2769/2024 and CC NI ACT No. 2770/2024, stated to have been filed on 27.11.2024 under Section 138 of the Negotiable Instruments Act (hereinafter referred to as the 'NI Act'), by Respondent No. 2, which, according to the petitioner/complainant, were based on a forged promissory note. It is further the case of the petitioner/complainant that Respondent No. 2 lodged a police complaint dated 13.12.2024 on the same allegations. Subsequently, the petitioner/complainant instituted Complaint Case No. CT Cases/136/2025 under Sections 223 and 175(3) of the BNSS on 10.02.2025, pursuant where to, by order dated 14.05.2025, the learned ACJM (East) allowed the application under Section 175(3) of the BNSS and directed registration of an FIR and initiation of investigation against the respondents.

4. Learned counsel for the petitioner/complainant submits that the learned Revisional Court exceeded the permissible limits of its revisional jurisdiction by conducting a mini trial and undertaking a detailed appreciation of the defence, which was impermissible while examining the correctness of the order passed by the learned ACJM under Section 175(3) of the BNSS.

5. Learned counsel for the petitioner/complainant further submits that the learned Revisional Court erred in holding that police investigation was not warranted despite the complaint disclosing allegations of forgery and other



cognizable offences, which, according to the petitioner/complainant, required custodial interrogation, forensic examination, recovery of relevant documents and articles, and financial trail analysis, all of which fall within the exclusive domain of police investigation.

6. Learned counsel for the petitioner/complainant also submits that the learned Revisional Court prematurely accepted the defence of the revisionist, contrary to the settled position that the defence cannot be examined prior to investigation, and thereby erroneously setting aside the order directing registration of an FIR.

7. This court has heard the learned counsel for the petitioner and has perused the material on record.

8. A perusal of the impugned revisional order would show that the learned ASJ (FTC) set aside the order dated 14.05.2025 on the ground that the learned ACJM failed to apply the settled principles governing the exercise of jurisdiction under Section 175(3) of the BNSS observing that the discretion to direct registration of an FIR is required to be exercised judiciously and only after recording proper reasons as to why police investigation is necessary.

9. It was further observed that the dispute was founded on documentary material already available with the petitioner/complainant, and that the alleged financial transactions, promissory note, legal notice, WhatsApp chats and other relevant documents were already in the possession of the parties and, therefore, did not necessitate police investigation for collection of evidence.

10. The learned Revisional Court further observed that the learned ACJM placed reliance upon the allegations and the ATR without independently examining whether custodial or police investigation was warranted. The



learned revisional court observed that the trial court had proceeded to form a prima facie opinion by analysing the documents instead of first determining whether the statutory requirements for invoking Section 175(3) of the BNSS stood satisfied.

11. The learned ASJ further observed that the alleged promissory note was already the subject matter of the proceedings under Section 138 of the Negotiable Instruments Act and, having regard to Section 20 of the Negotiable Instruments Act, held that the circumstances relied upon by the complainant did not warrant a direction for registration of an FIR under Section 175(3) of the BNSS

12. It was also observed that the petitioner/complainant had an efficacious remedy under Chapter XVI of the BNSS. It was held that, if assistance of the police became necessary at any subsequent stage, the complainant could seek recourse to Section 225 of the BNSS while pursuing the complaint under Section 223 of the BNSS.

13. In arriving at the aforesaid conclusion, the learned ASJ relied upon the decisions in ***S. Gopal v. D. Balachandran***, ***Rajendran v. Usha Rani***, and the judgment of the Delhi High Court in ***Anjuri Kumari v. The State Govt. of NCT of Delhi***, and held that the learned ACJM had not recorded the requisite satisfaction regarding the necessity of police investigation.

14. Having regard to the submissions made by the petitioner/complainant and the material on record, this Court finds no ground to interfere with the impugned order dated 13.11.2025 passed by the learned ASJ. The reasons recorded therein are founded on the material available on record and the settled principles governing the exercise of jurisdiction under Section 175(3) of the BNSS.



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15. No material has been brought to the notice of this Court to show that the findings recorded by the learned ASJ are either manifestly erroneous, perverse or based on irrelevant considerations. Interference under Section 528 of the BNSS is, therefore, not warranted.

16. Accordingly, this Court finds no infirmity, illegality or jurisdictional error in the impugned order dated 13.11.2025. The petition is, accordingly, dismissed, along with the pending application(s), if any, disposed of.

17. The order be uploaded on the website forthwith.

**MADHU JAIN
(JUDGE)**

JULY 30, 2026/ prg/pg