
(2004) 02 DEL CK 0018

In the Delhi High Court

Case No : Criminal M.C. 1174 of 2003 and CM 1501 of 2003

Manoj Raghuwanshi

APPELLANT

Vs

State and Another

RESPONDENT

Date of Decision : 19-02-2004

Acts Referred:

Citation : (2004) 110 DLT 154 : (2004) 73 DRJ 310

Hon'ble Judges : R.S. Sodhi, J

Bench : Single Bench

Advocate : P.N. Lekhi, Vikas Singh and Lalit Sankhla, for the Appellant; Anil Soni, for the Respondent

Judgement

R.S. Sodhi, J.—This petition is directed against the order dated 16.1.2003, whereby the learned M.M. has desired to inspect for himself the telecast version and script of the complainant pursuant to a closure report in FIR No. 515/2000 registered at P.S. Preet Vihar u/s 420/120-B IPC r/w Section 63 of Copyright Act.

2. The facts of this case are that the complainant respondent No.2 herein filed a complaint before the learned M.M. who vide its order dated 18.10.2000 directed investigation u/s 156(3) thereof. On 31.5.2001, the Police submitted a cancellation report. This cancellation report did not find favor with the M.M. who directed further inquiry into the matter. The Police made further investigation and submitted a second cancellation report dated 9.4.2002 which also did not find favor with the Magistrate, he has thereafter directed the Investigating Officer to produce before him video recording as well as the script of the complainant to examine the material himself. It is contended by counsel for the petitioner that this entire case is an attempt of black mail the petitioner into parting with Rs.10,000/- which allegedly the complainant claims as fee for script of a TV Serial "India's Most Wanted recording of Karim Tunda." He draws my attention to the report submitted by the Police dated 25.5.2001 wherein it has mentioned how the complainant is not co-operating with the Investigating Officer and also the results of the investigation.

3. The respondent no.2 who is represented through counsel has not put appearance today. On 16.7.2003, the second respondent had sought time to file reply which was not filed and consequently the matter was renotified for 23.10.2003. It was again renotified for 19.2.2004. Even today, there is no reply on record and also respondent no.2 remain unrepresented.

4. Having heard counsel and having gone through the material placed on record, I am of the view that the Magistrate could not examine material himself by way of further enquiry after opting to proceed with the case u/s 156(3) Cr.P.C. The only option now was to go forward u/s 173 Cr.P.C. Even otherwise, the case sought to be made out by the complainant is of a civil nature. A case of recovery of amount cannot be proceeded with by way of a criminal complaint.

5. In this view of the matter, I set aside the order of the Magistrate dated 16.1.2003.

6. Crl.M.C.1174/2003 is allowed and disposed of. The pending application stands disposed of.