

IN THE COURT OF SH. PURSHOTAM PATHAK
ADDITIONAL SESSIONS JUDGE-05
SOUTH DISTRICT: SAKET COURTS: NEW DELHI



Cr. Rev/192/2026
DLST010051522026

ABHIJIT IYER MITRA Vs. STATE (NCT OF DELHI) AND
ORS.

Abhijit Iyer Mitra
S/o Ajoy Kumar Mitra,
R/o E-102, 2nd Floor, East of Kailash,
Delhi - 110065 ...Revisionist/Accused

VERSUS

1. State
(Through SHO, PS Malviya Nagar)
2. Manisha Pande and Ors.
D/o Col. (Retd) NC Pande
Office address at B-113,
Sarvodaya Enclave,
Delhi- 110017 ...Respondent/complainant

ORDER ON STAY APPLICATION :

1. The Revision Petition has been filed under Section 438 read with 440 & 442 of BNSS, by the Revisionist/accused assailing the impugned order dated 22.04.2026 passed by the Court of JMFC-02, South, Saket Court, New Delhi in Case bearing CT Cases No. 2501/2025, titled '*Manisha Pande & Ors. vs. Abhijit Iyer Mitra*' whereby directions were issued to SHO, PS Malviya Nagar to register FIR U/s 75(3)/79 BNS (erstwhile Section 156(3) Cr.P.C) against the

accused and file compliance report on 04.05.2026. Aggrieved of the impugned order dated 22.04.2026, revisionist/accused preferred instant revision petition during proceedings of which, the impugned order having directions to register FIR was stayed vide order dated 04.05.2026. Consequently, aggrieved of the order dated 04.05.2026 passed by this Court granting stay of proceedings, respondent no. 2/complainant approached the Hon'ble High Court of Delhi seeking setting aside of stay order. The Hon'ble High Court of Delhi vide order dated 20.05.2026, directed the parties to appear before this Court by giving following observations:-

- “1. Petitioner seeks quashing and setting aside of the order dated 04.05.2026 of the learned Court of Sessions, whereby in the course of preliminary hearing, after issuance of notice, operation of the trial Court order was stayed till next date.
2. Learned senior counsel for petitioner has explained that the learned trial magistrate allowed application under section 156(3) Cr.P.C. of the present petitioner, thereby directing registration of FIR against the present respondent no. 1, which order was challenged by the present respondent no. 1 by way of criminal revision. On the very first date, learned Court of Sessions stayed the operation of the order impugned before it. Hence, the present petition.
3. One of the major grievances of petitioner is that the impugned order, staying the order of the trial court was without any reasons.
4. Learned senior counsel for respondent no. 1 on instructions accepts notice. Learned APP for State also accepts notice on behalf of respondent no. 2.
5. Learned senior counsel for respondent no.1, in all fairness does not dispute that the order impugned

in the present petition cannot be sustained for being not a reasoned order. However, I must make it clear that on merits of the impugned order, neither side has addressed.

6. Against the above backdrop, with consent of both sides, this petition is disposed of, setting aside the impugned order dated 04.05.2026 of the revisional Court and the matter is remanded to the Court of Sessions with the directions to pass a reasoned order after hearing both sides. In view of nature of the proceedings, the learned Court of Sessions is requested to dispose of the stay application as expeditiously as possible, but positively within four weeks provided neither side takes any adjournment.
7. For further proceedings, both sides shall appear before the learned Court of Sessions on 22.05.2026 at 10.00 am.”

2. In light of the aforesaid order dated 20.05.2026, arguments were re-heard from both the parties on the application for stay of the operation of the impugned order dated 22.04.2026 with liberty to both the parties to file written submissions. I have also perused the record and the written submissions filed by both the parties.

3. In the present case, the core issue involved at this stage is with regard to stay on the operation of impugned order dated 22.04.2026 being granted by this court vide order dated 04.05.2026, which is stated to be non-speaking order. Along with the revision petition separate application seeking stay of operation and implementation of impugned order dated 22.04.2026 was filed stating therein that Ld.

Trial Court has passed order directing registration of FIR in a mechanical manner. It is stated that complainants admitted possession over material i.e. posts/screenshots and identity of appellants is not in dispute, as such, Ld. Trial Court ought to have considered ordinary complainant procedure and not to set criminal law in motion. It is stated that in case, FIR is registered, it would prejudice revisionist's/accused liberty, reputation and legal right. The balance of convenience lies in granting interim protection to him and no prejudice would be caused to the complainant if operation of impugned order for registration of FIR is kept in abeyance till pendency of revision petition. It is stated that the matter involves utmost urgency and in absence of relief of stay, the entire revision petition would render in-fructuous. It is prayed the operation of impugned order dated 22.04.2026 regarding registration of FIR against the revisionist/accused be stayed during pendency of revision petition.

4. It is argued on behalf of revisionist/accused that the impugned order ought to be stayed as the same is bad in law and no case is made out against the revisionist. It is further submitted that the ingredients of the offence claimed are not attracted and Action Taken Report contains insufficient details. Ld. senior counsel for the revisionist/accused has relied upon the following judgments in support of his contention:-

- (a) Arun P. Gidh v. Chandraprakash Singh & Ors. (W.P. No. 2517/2022) passed by a three judge bench of Hon'ble High Court of Bombay;
- (b) Anil Kumar & Ors. vs. M.K. Aiyappa & Anr. (2013) 10 SCC 705;
- (c) Om Prakash Ambetkar vs. State of Maharashtra, (2026) 2 SCC 622;
- (d) Shukkaran Lahuka vs. State, (2010) SCC Online (Del) 2324;
- (e) Mohd. Salim vs. State, (2010) SCC Online (Del) 1053;
- (f) Usha chakraborty & Anr. vs. Stte of West Bengal & Anr., (2013) 15 SCC 135;
- (g) Pandharinath Narayan Patil vs. State of Maharashtra, (2015) SCC Online (Bom) 882;
- (h) Ratnadeep Ram Patil v. State of Maharashtra, 2024 SCC OnLine Bom 3777;
- (I) Anson I.J v. State of Kerala, 2024 SCC OnLine Ker 5666;
- (j) Joseph MV vs. State, (2024 KHC Online 440);
- (k) Ravinder Lal Airi vs. S. Shalu Construction Pvt. Ltd. and Ors. (WP CrI. 209/2023);
- (l) Raj Kumar Bansal & Ors. vs. State & Anr, 2009 SCC ONLine Del 3299;
- (m) Behram S. Doctor vs. state of Maharashtra & Anr., 2003 SCC ONLine Bom 609;

5. On the other hand, Ld. counsel for respondent no. 2/complainant has argued that the posts of the revisionist/accused consists of vilification, derogatory Shayari and explicitly sexually Coloured remarks on the complainant who is Managing Editor, News laundry and it is an degrading attack on her dignity and integrity. The use

of words by the revisionist/accused outrages the modesty, character and sexual dignity of a women. It is submitted that the impugned order directing registration of FIR is well reasoned. Constitution provides protection of working woman's dignity and extraneous materials /documents ought to be considered. Complainant has right to be heard in revision. Stay of directions to register FIR is permissible only in exceptional circumstances, which is not made out in present case. The scope of re-visional jurisdiction is limited. It is prayed that stay application and revision petition be dismissed.

6. Respondent/complainant has relied upon the following judgments in support of her contention:-

- (a) State vs. Vikrant Grewal, 2025 SCC OnLine Dis Crt (Del) 29;
- (b) Rupan Deol Bajaj vs. KPS Gill, (1995) 6 SCC 194;
- (c) Joseph Paul de Sousa v. State, 2024 SCC OnLine Bom 2719;
- (d) Abhijeet J.K. vs. State of Kerala, 2020 SCC OnLine Ker 703;
- (e) SAS Infratech Pvt. Ltd. vs. State of Telangana, 2024 SCC OnLine SC 4046;
- (f) Lalita Kumari vs. Govt. of U.P., (2014) 2 SCC 1;
- (g) Sadiq B. Hanchimani v. State of Kerala & Ors., 2025, SCC OnLine SC 2334;
- (h) VLS Finance Ltd. v. State (NCT of Delhi), 2024 SCC OnLine Del 3908;
- (I) Jagjeet Singhv. Ashish Mishra, (2022) 9 SCC 321;
- (j) Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, (2021) 19 SCC 401;
- (k) Babita Chopra vs. The State (GNCT); Delhi and Ors. (2026:DHC:341);
- (l) Achal Kumar Jindal vs. State (NCT of Delhi), 2026

SCC OnLine Del 808;

- (m) Amit Kapoor vs. Ramesh Chander, (2012) 9 SCC 460;
- (n) Jaspal Singh Kaural vs. State of NCT of Delhi & Anr., (2025) 5 SCC 756;

7. The core objection taken by the respondent/complainant before the Hon'ble High Court is with regard to the order of stay dated 04.05.2026 is without any reasons. It may be mentioned that revisionist/accused approached this Court in revision against the impugned order dated 22.04.2026 whereby FIR was directed to be registered against him. The first date i.e. 04.05.2026, on which revision petition was listed before this Court for the first time, was also the last deadline date of filing compliance report before the Ld. Trial Court as per following directions in the impugned order dated 22.04.2026:-

“Accordingly, SHO PS Malviya Nagar is directed to register FIR under Section 75(3)/79 BNS against the accused and file the compliance report on 04.05.2026.”

8. It may be mentioned that revisionist/accused has filed separate application seeking stay of operation and implementation of impugned order along with the revision petition. On the very first day of hearing, arguments were heard on the stay application and considering its merits, facts and circumstances of the case, also considering that it was last deadline date of compliance report before Ld. Trial Court, stay was granted till the next date of hearing,

failure of which would have rendered the revision petition as in-fructuous.

9. After hearing rival contentions of both the parties on the point of stay of operation of impugned order, it stands revealed that the objectionable material (documentary in nature) claimed to be basis of complaint is in knowledge and possession of both the parties and identity of the revisionist/accused is well established and is not in dispute. Furthermore, the alleged derogatory words are in form of *shayari* but no individual has been specifically named therein and the meticulous interpretation of the words and sentences used can only be done after hearing both the parties on merits on the revision petition. Even otherwise, no prejudice shall be caused to the respondent/complainant, in case, the operation of the impugned order is stayed till final disposal of the revision petition on merits. Revisionist/accused has claimed that no police investigation is required as no criminal law stands comes into force as mandatory ingredients of alleged offences does not stands attracted. The action taken report filed by the police, claims to have supported the version of revisionist/accused on one hand and on the other hand it contains insufficient details or is inconclusive. The assistance of the police officials is also required to ascertain the mens-rea or motive, which could only be determined after taking on record respective replies of both the parties in revision and hearing arguments thereon.

Hence, the balance of convenience lies in grant of stay on the operation of impugned order in the interest of justice and to give fair opportunity to the revisionist to exercise his valuable right of revision. The argument on behalf of revisionist/accused bears force that there is no exigency for registration of FIR without hearing his defence and depriving or negating his explanation one sidedly.

10. The case laws and the authoritative pronouncements relied upon by the revisionist/accused and by the respondent/complainant in support of their respective versions are distinguishable from the facts and circumstances on the point of stay of the operation of impugned order, which is the limited scope of the application for stay, at this stage.

11. Commulative effect of the above discussion is that this court does not find any force in the submission made by the Ld. Counsel for the respondent/complainant to deny relief of stay of the operation of impugned order to the revisionist/accused, at this stage. As a consequence thereof, **the application for stay of operation of impugned order dated 22.04.2026 filed by the revisionist/accused stands allowed.**

**Announced in the open
Court on 09th June, 2026**

(PURSHOTAM PATHAK)
Additional Sessions Judge-05,
South District, Saket Courts,
New Delhi