



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 7209/2025

Kailash Ram S/o Shri Bhakar Ram, Aged About 38 Years, R/o Village And Post Vinayakpura, Bhawad, Police Station Karwar, District Jodhpur (Rajasthan)

-----Petitioner

Versus

1. State of Rajasthan, Through Its Public Prosecutor.
2. Shekhar Mewara S/o Chhotmal Mewara, Aged About 45 Years, R/o Inside Sojati Gate, Near Bhawani Radio, Jodhpur.
3. Shri Rajeev Dutta, R/o 123, Kishore Bhawan, Kotdi Road, Gumanpura, New Green Mandi, Kota.
4. Smt. Archana Jhala, A-206, A-Block, Panchsheel, Ajmer
5. Shri Inder Kumar, Address 123, Kishore Bhawan, Kotdi Road, Gumanpura, New Green Mandi, Kota.
6. Smt. Chand Dutta, Address 123, Kishore Bhawan, Kotdi Road, Gumanpura, New Green Mandi, Kota.
7. Dinesh Murjani, Chandra Medical, Ajmer,
8. Other Persons, Related To The Offence.
9. Kishan Singh, Assistant Sub Inspector, Police Station Christanganj, District Ajmer.
10. Vandita Rana, Superintendent Of Police, Ajmer.

-----Respondents

For Petitioner(s)	:	Mr. Arun Sharma
For Respondent(s)	:	Mr. Amit Gupta-PP Mr. Ajay Kumar Jain Mr. Samarth Jain Ms. Anshu Agarwal Mr. Amit Yadav

JUSTICE ANOOP KUMAR DHAND

Order

12/11/2025



1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned order dated 20.09.2025 passed by the learned Additional Civil Judge and Judicial Magistrate No. 3, Ajmer by which the application submitted by the complainant-respondent to withdraw the complaint filed by him has been allowed.

2. Counsel for the petitioner submits that for various offences pertaining to human trafficking and forgery of documents, a complaint was filed by the complainant-respondent against the accused persons before the Court of Judicial Magistrate No.3- Ajmer. Counsel submits that the complaint, so preferred by the complainant, reveals commission of various cognizable offences but the said complaint has been withdrawn by the complainant under the pressure of the accused persons. Counsel submits that as per Section 33 of BNSS, 2023, every person who is aware of the commission of, or of the intention of any other person to commit, any offence punishable under any of the Sections mentioned therein of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') must give information to the nearest Magistrate or Police Officer of the commission or intention to commit such offences. Counsel submits that the Trial Court has committed an error in permitting the complainant to withdraw the complaint which reveals commission of a cognizable offence, hence, interference of this Court is warranted.

3. Counsel appearing on behalf of the respondent No. 7 opposed the arguments raised by counsel for the petitioner and submitted that when the complaint was submitted by the complainant before the Trial Court, a factual report was sought by



the concerned Magistrate from the Police Station, Christian Ganj and thereafter, upon perusing the same, the learned Magistrate came to the conclusion that as per the investigation report, the allegation levelled in the complaint was found to be incorrect and satisfied with the enquiry so conducted by the police. The learned Magistrate came to the conclusion that the complainant had not submitted a bona fide complaint and did not approach the Court with clean hands. Counsel submits that no evidence was produced by the complainant before the Trial Court in support of his complaint and finally, he submitted an application for withdrawal of the same. Hence, no illegality has been caused by the Court below in permitting the complainant to withdraw the complaint submitted by him. Counsel submits that the petitioner has no *locus standi* to challenge the order dated 20.09.2025 passed by the Court below as he is not the complainant and the instant petition is not a public interest litigation. Counsel submits that a similar situation was dealt with by the Hon'ble Apex Court in the case of **Janta Dal Vs. H.S. Choudhary**, reported in **1991(3) SCC 756** wherein a third party to the criminal case was not allowed to intervene under the garb of public interest litigants. Counsel submits that the view taken by the Hon'ble Apex Court in the case of **Janta Dal** (Supra) was further followed by the Division Bench of this Court in the case of **Kamal Kumar Meena and Ors. Vs. State of Rajasthan and Ors.**, reported in **1996(2) WLC 433**. He lastly argued that on earlier occasions also, prior to passing of the impugned order, when the complaint was filed by the complainant before the trial Court, a request was made for sending the same for registration of FIR but the said prayer of the



complainant was declined by the Trial Court by passing the order dated 26.03.2025 against which the said complainant approached this Court by way of filing S.B. Criminal Misc. Petition No. 2703/2025. Counsel further submits that during pendency of the said petition also, a similar application was submitted by the petitioner herein, to continue with the aforesaid petition but the prayer of the petitioner was not entertained by the Co-ordinate Bench of this Court and the application submitted by the petitioner was dismissed vide order dated 06.11.2025. Counsel submits that all these facts have been suppressed and the petitioner has not disclosed this information in the instant misc. petition. Hence on this count alone, the instant misc. petition is liable to be dismissed.

4. Heard and considered the submissions made at Bar and perused the material available on record.

5. Perusal of the record indicates that a complaint was filed by the complainant-Shekhar Mewara against the accused respondents for proceedings against them for the offences under Sections 143 and 144 of BNS. During the pendency of the instant petition, the learned Magistrate summoned the factual report from the Police Station, Christian Ganj and after perusing the aforesaid factual report, the learned Magistrate found that the police has conducted the investigation into the allegations made in the complaint and the allegations have been found to be incorrect and on being satisfied with the report so furnished by the Police, the learned Magistrate came to the conclusion that the complainant has not come before the Court with bona fide intention and clean hands. It was also observed by the learned Magistrate by passing the order





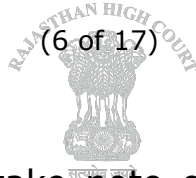
dated 20.09.2025 that the complainant has no *locus standi* to file a complaint and he has failed to produce any cogent evidence against the accused persons. At this stage, when such finding was recorded by the learned Magistrate, an application was submitted by the complainant for withdrawal of the complaint. On the basis of the said application submitted by the complainant permission was granted to him by the learned Magistrate to withdraw the complaint and accordingly, the order impugned was passed.

6. Now, the petitioner has approached this Court against the impugned order on the ground that cognizable offence is made out against the accused persons, hence, their prosecution should continue. It is worthy to note here that the petitioner is neither complainant nor victim in the said complaint.

7. Now, the question which remains for consideration before this Court is that can this right, which has been extended to a victim or complainant, be further extended to a third party (like the petitioner) who is not in any way related to the case? Whether the petitioner has any *locus standi* to continue the criminal proceedings against the accused/respondent?

8. The term '*locus standi*' is a latin term. The general meaning of which is place of standing. Thus, it is the right to bring in action or to be heard in a given forum or a right of appearance in a Court of justice.

9. The plain and simple answer for this question would be in the negative. If this practice is permitted in a casual manner, a meddlesome bystander can easily decide to attack any person, by initiating a frivolous proceeding and thereby cause irretrievable injury to the life and liberty of the accused person.



10. It will be relevant to take note of certain judgments before further dealing with this issue.

I. P. Ravindran v. State reported in 2010 (3) CTC 73. The relevant portions are extracted hereunder:

"27. As contended by the learned counsel appearing for the revision petitioner, he being a citizen of this country can file a Criminal Complaint against a person holding a public office, if a case is made out, so as to attract the provisions of the Prevention of Corruption Act. Based on the complaint given by the de-facto-complainant, case can be registered by the State. In case of discharge or acquittal, the State being the complainant can prefer Appeal against acquittal or discharge, even in case of Appeal not preferred by the State, the de-facto-complainant, who had set the law into motion against the public servant can prefer Criminal Revision against acquittal or discharge, but a third party cannot maintain a Revision Petition against acquittal or discharge.

28. In the instant case, admittedly, neither the complainant namely the State represented by the Deputy Superintendent of Police, Vigilance and Anti-Corruption Wing, Cuddalore, nor the de-facto-complainant has preferred any Appeal or Revision against the discharge recorded by the Court below, the petitioner herein, a third party to the criminal proceeding has preferred this Revision. Relying on the decision reported in J.M. Arumugam v. State, 2009 (2) MWN (Cr.) 95, learned counsel appearing for the respondents submitted that the permission sought for by the petitioner to maintain the Criminal Revision, is only right of subrogation which is nothing but stepping into the shoes of the State or the de-facto-complainant, which is not permissible in a criminal proceeding. As per P. Ramanatha Aiyar; Law Lexicon, Second Edition, the meaning of the term 'Subrogation' is given as 'substitution of one person in the place of another', with reference to lawful demand or right. As per Law of Indemnity, after making payment to the victim in a motor accident case, or after making payment, as per insurance coverage for the loss of goods in a consignment, by way of subrogation the concerned Insurance Company can step into the shoes of the person for whom it was made to pay damages therein and maintain the claim against the person, who caused the loss to the Insurance Company. As per the Criminal jurisprudence the State has prosecuted the case, based on the Complaint by assuming the role of the victim, as a crime is a wrong against the entire society. However, if it is a private wrong, it can be construed only as a tort for which, the affected party alone can seek the remedy





by claiming damages. In a Criminal case, for the benefit of a convicted accused, one can maintain public interest litigation to meet the ends of justice, in order to safeguard human rights, however, the same would not be available to any third party to proceed against the accused, based on the Complaint given by a de-facto complainant and if it is permitted that would amount to opening of the flood gate, whereby permitting private persons, seeking remedy for their private vengeance and there would be no end for the same.

29. It is a settled preposition of law that a Criminal proceeding cannot be used as an instrument of wrecking a private vengeance either on political reason or otherwise by a third party to the Criminal proceeding. As the order of discharge was recorded by the Court below, the State being the complainant or the de-facto-complainant, could have preferred the Appeal or Revision against the order of discharge recorded by the Court below. Though the revision petitioner could have maintained an independent Complaint against the second respondent in M.P. No. 2 of 2008 in CrI. R.C. SR. No. 39510 of 2008, who was holding a public office, he cannot maintain the Revision, based on the Complaint given by the de-factocomplainant, which was proceeded by the State and was subsequently ended in discharge. Considering the vital legal aspects, in the light of the various rulings of the Honourable Supreme Court, I am of the view that the petitioner/third party to a Criminal proceeding is not legally entitled to maintain Criminal Revision against discharge or acquittal recorded by the Trial Court, unless he is also an aggrieved person.

II. National Commission for Women v. State of Delhi reported in (2010) 12 SCC 599. The relevant portions are extracted hereunder:

"13. In P.S.R. Sadhanantham v. Arunachalam this Court was dealing with the locus standi of a private person, in this case the victim's brother, who was neither a complainant nor a first informant in the criminal case but had filed a petition under Article 136 of the Constitution of India. This Court observed that the strictest vigilance was required to be maintained to prevent the abuse of the process of court, more particularly, in criminal matters, and ordinarily a private party other than the complainant, should not be permitted to file an appeal under Article 136, though the broad scope of the article postulated an exception in suitable cases. It was spelt out as under : (SCC p. 145, para 7)

"7. Specificity being essential to legality, let us see if the broad spectrum spread out of Article



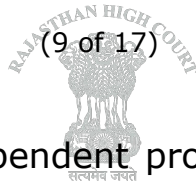


136 fills the bill from the point of view of 'procedure established by law'. In express terms, Article 136 does not confer a right of appeal on a party as such but it confers a wide discretionary power on the Supreme Court to interfere in suitable cases. The discretionary dimension is considerable but that relates to the power of the court. The question is whether it spells by implication, a fair procedure as contemplated by Article 21. In our view, it does. Article 136 is a special jurisdiction. It is residuary power; it is extraordinary in its amplitude, its limit, when it chases injustice, is the sky itself. This Court functionally fulfils itself by reaching out to injustice wherever it is and this power is largely derived in the common run of cases from Article 136. Is it merely a power in the court to be exercised in any manner it fancies? Is there no procedural limitation in the manner of exercise and the occasion for exercise? Is there no duty to act fairly while hearing a case under Article 136, either in the matter of grant of leave or, after such grant, in the final disposal of the appeal? We have hardly any doubt that there is a procedure necessarily implicit in the power vested in the summit court. It must be remembered that Article 136 confers jurisdiction on the highest court. The Founding Fathers unarguably intended in the very terms of Article 136 that it shall be exercised by the highest judges of the land with scrupulous adherence to judicial principles well established by precedents in our jurisprudence. Judicial discretion is canalised authority, not arbitrary eccentricity."

14. The Court then examined the implications of completely shutting out a private party from filing a petition under Article 136 on the locus standi and observed thus : (Arunachalam case, [(1980) 3 SCC 141 : 1980 SCC (Cri) 649], SCC p. 147, para 14)

"14. Having said this, we must emphasise that we are living in times when many societal pollutants create new problems of unredressed grievance when the State becomes the sole repository for initiation of criminal action. Sometimes, pachydermic indifference of bureaucratic officials, at other times politicisation of higher functionaries may result in refusal to take a case to this Court under Article 136 even though the justice of the lis may well justify it. While 'the criminal law should not be used as a weapon in personal vendettas between private individuals', as Lord Shawcross once wrote, in the





absence of an independent prosecution authority easily accessible to every citizen, a wider connotation of the expression 'standing' is necessary for Article 136 to further its mission."

15. A reading of the aforesaid excerpts from the two judgments would reveal that while an appeal by a private individual can be entertained but it should be done sparingly and after due vigilance and particularly in a case where the remedy has been shut out for the victims due to mala fides on the part of the State functionaries or due to inability of the victims to approach the Court. In the present matter, we find that neither the State which is the complainant nor the heirs of the deceased have chosen to file a petition in the High Court. As this responsibility has been taken up by the Commission at its own volition this is clearly not permissible in the light of the aforesaid judgments".

III. Harsh Mandar v. Amit Anilchandra Shah reported in (2017) 13

SCC 420. The relevant portions are extracted hereunder:

"42. Reverting to the case in hand, it is not in dispute that the applicant is neither a victim nor an aggrieved person. He is not in any manner connected with the proceedings pending before the learned Sessions Court, Greater Bombay. The applicant has not suffered any prejudice and has not demonstrated that his legal rights are impaired or any harm/injury is caused to him or is likely to be caused. The applicant has thus not been able to demonstrate that his legal right has been invaded so as to give him locus standi to challenge the order.

43. The applicant who claims to be a socially responsible citizen has allegedly filed this application for preventing abuse of process of court. It is pertinent to note that though the alleged incident had occurred in the year 2005, and no case was registered against Respondent 1 and the other police officers, the applicant herein had not shown any interest to set the criminal law in motion. The said crime was registered only pursuant to the directions given by the Honourable Supreme Court in view of the letter of grievance made by Rubabbuddin, the brother of the deceased".

44. The applicant who claims to be a socially responsible citizen has allegedly filed this application for preventing abuse of process of court. It is pertinent to note that though the alleged incident had occurred in the year 2005,





and no case was registered against Respondent 1 and the other police officers, the applicant herein had not shown any interest to set the criminal law in motion. The said crime was registered only pursuant to the directions given by the Honourable Supreme Court in view of the latter of grievance made by Rubabbuddin, the brother of the deceased."

11. Thus it is clear from the above noted judgment it is clear that a third party to the criminal proceedings who is neither victim nor an aggrieved person can be permitted to prosecute the criminal proceedings. In the case in hand the petitioner is in no way connected with the proceedings initiated by the complainant against the accused/respondents before the Court below. The petitioner has neither suffered any prejudice nor his rights have been impaired in any way. It is also not the case when the aggrieved person/victim is not able to approach this Court or on their behalf the petitioner is ventilating their grievance.

It is worthy to mentioned that this Court is not dealing with a public interest litigation in this case and the powers of this Court are well defined under the Code of Criminal Procedure/Bhartiya Nagrik Suraksha Sanhita and this Court cannot act beyond the four corners of law.

12. A Court of law cannot confer a right upon any person unless it is backed by law. In other words, the law must recognise the right of a person and only then the concerned person can prosecute a case. If the law does not provide for such a right, the Court cannot confer the same in favour of any person. The Division Bench merely said that the petitioner can prosecute his right in accordance with law. Criminal law does not permit any third party to prosecute a case unless the concerned person is a victim or is in any way aggrieved by the order. In other words, the

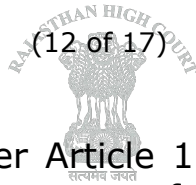


petitioner must show that its legal rights is impaired or any harm/injury has been caused to it. Unless this condition is satisfied, the petitioner will not have the locus standi to question the order passed by the learned Court below.

13. In **P.S.R. Sadhanantham v. Arunachalam**, reported in **1980(3) SC141**, the Hon'ble Apex Court was dealing with the locus standi of a third person, who is neither the complainant nor the informant in the criminal case but filed a petition under Article 136 of the Constitution of India. Hon'ble Apex Court has observed that the strictest vigilance was required to be maintained to prevent the abuse of the process of court, more particularly, in criminal matters, and ordinarily a private party other than the complainant, should not be permitted to file an appeal under Article 136, though the broad scope of the article postulated an exception in suitable cases. It was spelt out as under:

"7. Specificity being essential to legality, let us see if the broad spectrum spread out of Article 136 fills the bill from the point of view of 'procedure established by law'. In express terms, Article 136 does not confer a right of appeal on a party as such but it confers a wide discretionary power on the Supreme Court to interfere in suitable cases. The discretionary dimension is considerable but that relates to the power of the court. The question is whether it spells by implication, a fair procedure as contemplated by Article 21, In our view, it does. Article 136 is a special jurisdiction. It is residuary power; it is extraordinary in its amplitude, its limit, when it chases injustice, is the sky itself. This Court functionally fulfils itself by reaching out to injustice wherever it is and this power is largely derived in the common run of cases from Article 136. Is it merely a power in the court to be exercised in any manner it fancies? Is there no procedural limitation in the manner of exercise and the occasion for exercise? Is there no duty to act fairly while





hearing a case under Article 136, either in the matter of grant of leave or, after such grant, in the final disposal of the appeal? We have hardly any doubt that there is a procedure necessarily implicit in the power vested in the summit court. It must be remembered that Article 136 confers jurisdiction on the highest court. The Founding Fathers unarguably intended in the very terms of Article 136 that it shall be exercised by the highest judges of the land with scrupulous adherence to judicial principles well established by precedents in our jurisprudence. Judicial discretion is canalised authority, not arbitrary eccentricity."

14. The Hon'ble Supreme Court then examined the implications of completely shutting out a private party from filing a petition under Article 136 on the locus standi and observed thus:

"**14.** Having said this, we must emphasise that we are living in times when many societal pollutants create new problems of unredressed grievance when the State becomes the sole repository for initiation of criminal action. Sometimes, pachydermic indifference of bureaucratic officials, at other times politicisation of higher functionaries may result in refusal to take a case to this Court under Article 136 even though the Justice of the lis may well justify it. While 'the criminal law should not be used as a weapon in personal vendettas between private individuals', as Lord Shawcross once wrote, in the absence of an independent prosecution authority easily accessible to every citizen, a wider connotation of the expression 'standing' is necessary for Article 136 to further its mission."

15. A reading of the aforesaid excerpts from the two judgments would reveal that while an appeal by a private individual can be entertained but it should be done sparingly and after due vigilance and particularly in a case where the remedy has been shut out for the victims due to mala fides on the part of the State functionaries or due to inability of the victims to approach the Court. In the





present matter, this Court finds that the complainant has not chosen to file a petition before the High Court.

16. There is a provision under Section 321 Cr.P.C which empowers the State and the Public Prosecutor to withdraw the criminal prosecution against the accused.

17. The Public Prosecutor exercises a power in the nature of a prerogative. In Criminal Law, the State and its instrumentalities enjoy prerogatives, akin to crown prerogatives in England. The power exercised by the Public Prosecutor under S.321 of the Code of Criminal Procedure is in the nature of such a prerogative. The State may advise him in this regard, but he must exercise his mind independently, and he ought not to act under dictation. If he acts honestly, his act cannot be questioned. The limited role of the court is only supervisory, and not adjudicatory or appellate in character.

18. In **State of Punjab v. Surjit Singh** reported in **AIR 1967 SC 1214**, a Constitution Bench of the Hon'ble Apex Court has held that:

"**26.** ...In cases in which the Public Prosecutor appears, it is for him to decide whether he would continue with the prosecution or withdraw from it. ...This power cannot be subject to the wishes of a third person, even though he might be interested directly in the case." (Emphasis supplied)

Again in **Rajender Kumar Jain v. State** reported in **AIR 1980 SC 1510**, it was observed:

"**17.** ...Now the Public Prosecutor is an officer of the Court. He sets the criminal law in motion in the court, for the people. So it is he that is entrusted with the task of initiating the proceedings for withdrawal from the prosecution..."

Still later, in **Sheonandan Paswan v. State of Bihar and Ors.** reported in **AIR 1987 SC 877**, the Court by majority held that the competent authority to move for withdrawal is the Public





Prosecutor, and that the Court has only the limited power to examine whether the Public Prosecutor in charge of the case had acted in good faith, wherein it was held as under:

"**71.** The Public Prosecutor should normally be credited with fairness, in exercise of his power under S.321....

73. ...To contend that the court when it exercises its limited power of giving consent under S. 321 has to assess the evidence and find out whether the case would end in acquittal or conviction would be to rewrite S.321 Cr.P.C. and to concede to the court a power, which the scheme of S.321 does not contemplate...

87. ...All that is necessary to satisfy the Section is to see that the Public Prosecutor acts in good faith..."
(Emphasis supplied)

It is not for the Court to decide whether withdrawal is justified on the facts, or whether the offence involved is so serious as to merit punishment. These are matters for the Public Prosecutor to consider. As long as he acts in good faith in seeking withdrawal from prosecution, so long his action is not liable to be challenged. Every system must work on trust. The court even where it is required to act as a watchdog is not required to act like a hound.

19. Public Interest Litigation is an alien figure on the landscape of criminal justice system. Like the State and Public Prosecutor, the complainant has also a right to withdraw the complaint, submitted by him, if he does not want to continue the criminal proceedings initiated by him. This power cannot be subject to the wishes of the third persons.

20. Even this aspect has been elaborately discussed by the Hon'ble Apex Court in the case of **Janta Dal** (supra). That was a public interest litigation for quashing the FIR logged by the CBI on January 22, 1990. The core of allegations in the FIR was that the accused named or un-named, entered into a criminal conspiracy,





obtained illegal gratification in the form of money from Bofors, a Swedish Company, from the agent/firms/companies/persons as motive or reward for such public servants who by corrupt or illegal means or otherwise dishonestly using their official position as public servants caused pecuniary advantage to themselves, Bofors, Agents and others in awarding contracts to Bofors for the supply of guns to the Government of India and in the transaction committed offences of criminal breach of trust, cheating, forgery and using of forged documents. During investigation of the case, the Special Judge allowed the request of the CBI to issue a letter rogatory/request to Switzerland for getting the necessary assistance. Shri H.S. Choudhary, an advocate, claiming to be the General Secretary of an Organization named as 'Rashtriya Jan Parishad' which according to him, is devoted to "uphold the Rule of Law, fight against injustice in any field and abide by the Constitution and respect ideals and institutions" filed a criminal miscellaneous petition before the Special Court to permit him to join during the inquiry in the capacity of public interest litigation and not to issue request/rogatory unless an inquiry under Section 340 Cr.P.C is held to determine the alleged offence committed by various persons. The Special Judge dismissed the petition holding interalia, that he had no locus standi. Shri Choudhary, then, filed a criminal revision before the High Court of Delhi for quashing the FIR and the letter rogatory on certain grounds. The High Court came to the conclusion that the said third party litigant had no locud standi to maintain the action and so also the interveners had no right to seek impleadment/intervention in the said proceedings. However, the learned Single Judge took suo moto cognizance of





the matter and for the reasons stated in his order, issued a show cause notice to the CBI and the State as to why the FIR should not be quashed. On appeal, the Apex Court also held that Shri. H.S. Choudhary had no locus standi to file the petition before the Special Court and also to invoke revisional jurisdiction of the Special Court and also to invoke revisional jurisdiction of the High Court under Section 397 read with Section 401 Cr.P.C. challenging the correctness, legality or propriety of the order of the Special Judge. On the question of locus standi, the relevant observations in paragraph 26 of the judgment read as under:

"26. Even if there are million questions of law to be deeply gone into and examined in a criminal case of this nature registered against specified accused persons, it is for them and them alone to raise all such questions and challenge the proceedings initiated against them at the appropriate time before the proper forum and not for third parties under the garb of public interest litigants."

21. Reverting back to the case in hand, it is not in dispute that the petitioner is neither a victim nor an aggrieved person. He is not in any manner connected with the procedure which was pending before the trial Court. He has not suffered any prejudice or he has not demonstrated that his legal rights are impaired or any harm/injury is caused to him or is likely to be caused. He has failed to demonstrate that his legal right has been invaded which gives him any locus standi to challenge the impugned order. The provision of Section 33 of BNSS, as relied upon by the petitioner, is not applicable in the instant case since he has not given any information to any Magistrate or Police Officer about commission of any cognizable offence.





22. Thus, it is clear that in the realm of legal proceedings, when the Public Prosecutor is vested with the right and authority to withdraw the prosecution, the complainant also possesses the prerogative to retract/withdraw his complaint, in case he is not inclined to continue it. Hence, the third party lacks the locus standi to impel or compel the Court or the Complainant to persist /continue with the complaint.

23. This Court has carefully perused the impugned order and finds that the reasoning recorded by the Trial Court is well founded and satisfactory. The Trial Court has not committed any error in rejecting the complaint not only on its merits and the reasons assigned by the complainant but also entertaining the prayer of the complainant for withdrawal of the complaint. The petitioner does not have any locus standi to maintain this petition. This Court does not find any material to interfere with the impugned order passed by the trial Court.

24. In the result, this Court does not find any merit to entertain this criminal misc. petition and as a consequence thereof, this petition is dismissed.

25. Stay application and all pending application(s) if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

Ashu/54