

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-17051-2015

Date of decision: 25.05.2015

Madhu

... Petitioner

Vs.

Senior Superintendent of Police and ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. J.N. Gupta, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner, by way of instant petition under Section 482 of the Code of Criminal Procedure ('Cr.P.C.' for short), seeks quashing of the impugned order dated 10.04.2015 (Annexure P-9) passed by the learned Judicial Magistrate 1st Class, Chandigarh, whereby her application under Section 156 (3) Cr.P.C., was dismissed and her complaint was ordered to be treated as private complaint.

Learned counsel for the petitioner submits that the learned Judicial Magistrate 1st Class, Chandigarh has committed a serious error, while passing the impugned order. Learned Judicial Magistrate 1st Class ought to have forwarded the complaint to the police for registration of FIR because commission of a cognizable offence has been made out in the complaint. He prays for setting aside the impugned order, by allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving

thoughtful consideration to the contentions raised, present one has not been found to be a fit case, warranting interference at the hands of this Court, while exercising its inherent jurisdiction under Section 482 Cr.P.C., for the following more than one reasons.

A bare reading of the impugned order would show that the learned Judicial Magistrate 1st Class has rightly found it to be a tenancy dispute. It was further observed by the learned Magistrate that no offence was found to have been committed by the alleged accused. This was the reason that the application of the petitioner for giving direction to the SHO concerned for registration of the FIR was dismissed, treating the complaint of the petitioner as a private complaint. The case was adjourned for 30.05.2015 for complainant witnesses. Thus, while passing the impugned order, the learned Magistrate has not committed any error of law and the impugned order deserves to be upheld.

It is undisputed on record that present one is a dispute of tenancy between the parties. In fact, petitioner has been making efforts to put undue pressure on the other side by resorting to the criminal proceedings. However, the learned Magistrate has rightly come to the conclusion, before passing the impugned order that since the alleged possession of the property was the primary issue between the parties, no offence was made out. Civil litigation was going on between the parties. Having said that, this Court feels no hesitation to conclude that the learned Magistrate has proceeded on a factually correct and legally justified approach, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner

could not point out any jurisdictional error or patent illegality on the record of the case so as to convince this Court to take a different view than the one taken by learned Magistrate. In this view of the matter, it can be safely concluded that the learned Magistrate has not misdirected himself while passing the impugned order and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, present petition has been found wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present petition stands dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

25.05.2015
vishnu