

CRM-M-21153 of 2015 1

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

**CRM-M-21153 of 2015
Date of decision : 27.07.2015**

Surjit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. H.S.Bath, Advocate
 for the petitioner.

DARSHAN SINGH,J(Oral)

1. The present petition has been filed under Section 482 Cr.P.C (for short 'Act') directing the respondents to fairly, properly and expeditiously investigate the matter of D.D.R No. 12 dated 01.04.2015, under Section 323 of Indian Penal Code (for short 'I.P.C'), registered at Police Station Sahnewal, District Ludhiana (Annexure P-3) against the private respondents no. 5 to 7.

2. Learned counsel for the petitioner contended that the D.D.R No. 12 dated 01.04.2015 was recorded in Police Station Sahnewal, District Ludhiana on the statement of petitioner Surjit Singh. Wherein, there were categoric allegations that the private respondents have caused injuries to the petitioner. He was medico legally examined and four injuries were found on his person. He contended that no investigation has

been carried out in the said D.D.R. So, the official respondents should be directed to fairly, properly and expeditiously investigate the matter.

3. I have given my thoughtful consideration to the aforesaid contentions.

4. It is the admitted case of the petitioner that he has got registered the D.D.R for the offence punishable under Section 323 of I.P.C, which is a non-cognizable offence. It is also not disputed that the investigation can only be carried out after the registration of the case. Section 154 of Cr.P.C deals with respect to the information of the cognizable cases and in that case the FIR is recorded on receiving the information and the investigation is started. But, as per Section 155(2) Cr.P.C, no police officer can investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial. Thus, when the respondents no. 2 to 4 are not competent to carry out any investigation in this case without the orders of the Magistrate. So, no direction can be given by this Court to respondents no. 2 to 4 to carry out the investigation.

5. Consequently, the present petition has no merits and the same is hereby dismissed. However, the petitioner shall be at liberty to avail the alternative remedy available to him at the appropriate forum to redress his grievances.

27.07.2015

s.khan

**(DARSHAN SINGH)
JUDGE**