

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

CRM-M No.24181 of 2015

Date of decision: 27th July, 2015

Satya Devi

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. G.C. Rattan, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

In this petition under Section 482 Cr.P.C. for the exercise of inherent powers by this Court, the petitioner Satya Devi has sought directions to the respondent/State for registration of FIR on the basis of her complaint dated 02.06.2015 (Annexure P1) submitted before the office of Senior Superintendent of Police, SAS Nagar (Mohali) and for investigation being a cognizable offence.

The factual pillars of story of the petitioner are that one Baby, Bindu and Nirmala Devi alias Bholi residents of village Bhaddi, Police Station Balachaur, District Shaheed Bhagat Singh Nagar approached the petitioner at her residence at Mohali for a family

personal loan of ₹1.00 lac for which money earlier they had pledged gold ornaments of Bindu and had to repay the said loan for the release of the pledged gold ornaments. As per the arrangement, ₹1.00 lac was advanced for which these persons undertook to pay ₹6,000 per month as interest on this amount regarding which a writing was also executed. It is the allegation of the petitioner that more than three years and eleven months have elapsed but these persons have failed to return the money and thus, claims that she has been defrauded by them by their illegal acts and hence, the complaint to the police.

Upon hearing Mr.G.C. Rattan, Advocate representing the petitioner, who has laid much stress on the fact that under the provisions of Section 154 Cr.P.C., registration of the FIR was mandatory in cases where cognizable offence is reported to have been committed and has placed reliance upon '**Lalita Kumari v. Govt. of U.P. and others**' reported in **2014 AIR (SC) 187**.

Appreciating the same, apparently by the own assertions made by the petitioner it appears to be a prima facie case of civil dispute over money lending and therefore, the contention of learned counsel for the petitioner that a cognizable offence is deemed to have been committed, is highly untenable. More so, it is clearly elicited in the provisions of Section 156 Cr.P.C. that any officer in-charge of a Police Station can without the orders of Magistrate investigate any cognizable offence, and thus, in terms of Section 190 Cr.P.C. provides that any Magistrate either of the first class or second class specially empowered in this behalf may take cognizance of any offence upon receiving a complaint of facts which constitute such offence; upon a

police report of such facts and upon information received from any person other than a police officer, or upon his own knowledge, that such offence has been committed.

Thus, in view of the prima-facie dispute being purely of civil nature and the restriction laid down in '**State of Haryana and others v. Ch.Bhajan Lal and others**' 1992 AIR SC 604, that powers under Section 482 Cr.P.C. are to be sparingly used and the fact that more speedy and efficacious remedies are available to the petitioner before the lowest forum and thus, the present petition cannot sustain and is dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

July 27, 2015
rps