

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

CRM-M-32851 of 2015
Date of decision: 17.11.2015

Ram Karan ...Petitioner

Versus

Ram Parshad and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rajesh Bansal, Advocate for the petitioner.

Rajan Gupta, J.

The petitioner in this petition has prayed that order dated 1.10.2014, passed by Judicial Magistrate 1st Class, Panipat, whereby prayer under section 156 (3) Cr.P.C. has been rejected, be set-aside.

Learned counsel for the petitioner has argued that serious allegations were levelled in the complaint filed by him before Judicial Magistrate 1st Class, Panipat. However, said court refused to direct investigation as provided in Section 156 (3) Cr.P.C. According to him, order is unsustainable and needs to be set-aside. He has relied upon judgment reported as *Lalita Kumari Vs. Government of U.P. and others, 2013 (4) RCR (Criminal) 979*.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

Complainant alleged that he was given a loan of Rs.8.00 lacs by State Bank of India on 31.5.2012. Entire transaction was conducted through respondent No.2 namely, Anil. After one year, petitioner went to the bank for depositing the instalment and came to know that a loan of

Rs.17.00 lacs was pending against him. When petitioner confronted respondent Anil, he came to know that he had been duped by him in connivance with respondent No.1. Certain forged documents had also been prepared as thumb impressions of the petitioner had been obtained on certain blank papers. On perusal of the complaint, trial court came to the conclusion that no case was made out for sending the case for investigation. It, however, gave the petitioner liberty to lead evidence.

I find no infirmity with the order. Admittedly, matter is still pending before the Judicial Magistrate 1st Class, Panipat. The petitioner can lead evidence in support of allegations made in the complaint. In view of pendency thereof, judgment in *Lalita Kumari's case (supra)* is not applicable. Besides, petitioner has posed challenge to the order after a period of almost one year and allegations contained in para 3 of the complaint are totally vague. There is, thus, no ground to interfere in inherent jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

17.11.2015
'Rajpal'