

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M No. 35481 of 2015  
Date of decision: - 15.10.2015

**Virender**

**...Petitioner**

**Versus**

**Mahender Singh and others**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present: Mr. Vivek Khatri, Advocate,  
for the petitioner.

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**SHEKHER DHAWAN, J.**

Present petition under Section 482 Cr.P.C. for setting aside of impugned order dated 23.09.2015 (Annexure P-2), passed by Additional Chief Judicial Magistrate, Hisar, whereby the prayer of the petitioner for sending the complaint under Section 156(3) Cr.P.C. for registration of case has been declined.

2. Learned counsel for the petitioner submitted that the police officials have not taken any action about the incident dated 01.07.2015 and learned Magistrate just declined the request of the petitioner for sending the complaint for registering the FIR under Section 156(3) Cr.P.C. The said order be quashed.

3. Having considered the submissions made by learned counsel for the petitioner and perusal of the record, learned Magistrate have passed

the order dated 23.09.2015, taking into consideration the entire facts.

Learned magistrate opted not to refer the case for registration of FIR but to record the evidence and if need be, to pass summoning order. Learned magistrate was of the view that custodial interrogation for proving the allegations was not required and the power to get a case register against the accused cannot be issued to harass a person merely on the allegations unless supported by evidence. Learned magistrate has lawfully exercised discretion vested in it while declining the prayer whether to refer the case for registration of FIR and take cognizance of the complaint as per Section 190 Cr.P.C. For that purpose, he is not to go by purely with the wishes of the petitioner. That way, the present petition is without any merit and same stands dismissed.

October 15, 2015

naresh.k

**(SHEKHER DHAWAN)**

Judge