

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-39316 of 2015

.....

Date of decision:20.11.2015

Harpal Singh

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. K.B.S. Mann, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 18.5.2015 (Annexure-P.3) passed by learned Additional Sessions Judge (Fast Track Court), Bathinda and for modification of order dated 15.11.2013 (Annexure-P.2) passed by learned Chief Judicial Magistrate, Bathinda in complaint case No.2 dated 16.1.2013, which is pending in the Court of learned Chief Judicial Magistrate, Bathinda for 27.11.2015.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that Harpal Singh filed complaint under Section 156(3) Cr.P.C. against respondents-Iqbal Singh, Pal Singh alias Jaspal Singh, Daljit Singh etc. The learned Chief Judicial Magistrate,

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Bathinda vide order dated 15.11.2013 declined the request made under Section 156(3) Cr.P.C. for registration of case and rather, taken the cognizance and complaint was fixed for preliminary hearing. A revision petition was filed against this order and the learned Additional Sessions Judge vide order dated 18.5.2015 dismissed the revision. Against both these orders, the present petition for quashing has been filed.

After hearing learned counsel for the petitioner, I find that no illegality of any type has been committed by the learned Chief Judicial Magistrate in not sending the complaint to the Police Station under Section 156(3) Cr.P.C. for registration of FIR as the Court can take the cognizance. The learned Chief Judicial Magistrate has passed the order in detail and has taken the cognizance and fixed the complaint for preliminary evidence. In no way, the orders passed by the Courts below can be held as against the law or resulted in any miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

November 20, 2015.

(Inderjit Singh)
Judge

hsp