

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1172 of 2016

Abdul Shekh Karim S/o Shekh Akbar Khan Aged About 45 Years R/o Near Aman S.T.D., Sadak No. 1, Kasaridih, Police Station Durg, Tahsil & District Durg, Chhattisgarh.

---- Petitioner

Versus

1. Sudhir Khandelwal S/o Shri Radheshyam Khandelwal Aged About 47 Years R/o Khandelwal Colony, Thana Durg, Tahsil Durg, District Durg, Chhattisgarh.
2. Smt. Durga Devi Khandelwal W/o Shri Radheshyam Khandelwal Aged About 75 Years R/o Khandelwal Colony, Thana Durg, Tahsil Durg, District Durg, Chhattisgarh.
3. Smt. Somita Pandey W/o Shri Sanjay Pandey Aged About 45 Years R/o Rishali, Police Station Newai, District Durg, Chhattisgarh.
4. Smt. Minakshi Vaishnav Aged About 32 Years Drug Inspector, Food & Drugs Administration Department, Durg, Police Station Mohan Nagar, Tahsil & District Durg, Chhattisgarh.
5. State Of Chhattisgarh Through Police Station Bhilai Nagar, District Durg, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri T.K. Jha, Advocate.
For Respondents No. 1 to 3	:	Ms. Sunita Jain, Advocates
For Respondent No.4	:	Shri MPS Bhatia, Advocate
For Respondent No.5/State	:	Shri D.R. Minj, Dy. Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/12/2016

Heard.

1. This petition under Section 482 Cr.P.C. has been filed by the petitioner aggrieved by order passed by the Chief Judicial Magistrate, Durg by which

the Magistrate has rejected the application of the petitioner for calling report under Section 156 (3) Cr.P.C. from the concerned police station and directed the complainant to examine himself in the complaint proceedings.

2. Learned counsel for the petitioner submits that only on the ground that against the petitioner/complainant, certain criminal cases have already been registered by the police station on the allegation of commission of offence under Sections 384 & 385 IPC, the Magistrate was not justified in rejecting application and if a case for obtaining report under Section 156 (3) Cr.P.C. is made out, the order ought to have been passed.
3. The Magistrate has more than one options to proceed in the complaint. The Magistrate can either obtain report under Section 156 (3) Cr.P.C. from the concerned police station within whose jurisdiction the offence is alleged to have been committed or to examine the complainant and his witnesses on oath, to find out whether a criminal case is made out.
4. Considering that the Magistrate in the circumstances had decided to examine the complainant on oath before taking cognizance in the matter, I do not find that it has resulted in any miscarriage of justice to the petitioner because it is still open for the petitioner to get himself examined on oath before the Magistrate and also produce his own witnesses to support the allegation made in the complaint.
5. In view of the above, I am not inclined to interfere with the impugned order in exercise of jurisdiction under Section 482 Cr.P.C. as it is not a case of abuse of the process of Law or any miscarriage of justice.
6. The petition is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge