

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10758-2016
DECIDED ON: July 21, 2016

DARSHAN SINGH

....PETITIONER

VERSUS

RESHAM SINGH AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Present: Mr. Naveen Chopra, Advocate,
for the petitioner.

Mr. Surinder Singh, AAG, Haryana,
for respondents No. 3 and 4.

JASPAL SINGH, J (ORAL)

Instant petition has been preferred under Section 482 of the Code of Criminal Procedure by Darshan Singh-petitioner seeking setting aside of order dated 09.11.2015, passed by JMIC, Karnal, in complaint case No.41/15, dated 07.06.2012/02.01.2015, under Sections 418, 420, 467, 468, 469, 471 and 120-B IPC, Police Station Civil Lines, Karnal.

2. Undoubtedly, after the filing of the complaint by the petitioner, ld. Magistrate recorded the statements not only of the complainant but also of other witnesses. Even certain documents were also tendered, but before passing order with regard to the summoning or non-summoning of respondents No. 1

and 2, he opted to send the complaint for inquiry to the police. Thus, the impugned order dated 09.11.2015 passed by the ld. Magistrate on the face of it is illegal because once the Magistrate has recorded the statements of complainant as well as witnesses, he was supposed to pass an order. He had no jurisdiction to send the complaint to the police for inquiry or further inquiry after the aforesaid stage/status of the proceedings.

3. Accordingly, the impugned order dated 9.11.2015 passed by the ld. Magistrate, Karnal is set aside and the Ld. Magistrate is directed to pass an appropriate order on the basis of evidence adduced by the complainant and in case, the preliminary evidence has not been closed so far and complaint is still fixed for preliminary evidence after the conclusion thereof, within a period of 3 months from the date of receipt of certified copy of this order.

July 21, 2016
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(JASPAL SINGH)
JUDGE