

**125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No.M-16460 of 2016
Date of Decision: May 13, 2016**

Suresh

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Wazir Singh, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present petition is the order dated 28.03.2016 (Annexure P-7) passed by learned Judicial Magistrate 1st Class, Safidon, whereby in a criminal complaint filed under Sections 323, 324, 325 and 326 read with Section 120-B IPC, the learned Magistrate directed the petitioner to lead preliminary evidence before the court and refused the request of complainant to send the complaint to the police under Section 156(3) Cr.P.C. for registration of FIR.

Heard.

It comes out earlier the petitioner had approached this Court and vide order dated 19.02.2016 passed in CRM-M No.6184 of 2016, the petitioner was relegated to avail remedy before the learned Illaqa Magistrate and the Superintendent of Police, Jind, by moving appropriate complaint and the application under Section 156(3)

Cr.P.C.

Accordingly, the complaint was filed. When a complaint is filed, it is the discretion of the Magistrate whether it be sent to the police for registration of the FIR or try the complaint himself.

In this case, the learned Magistrate has decided to try the complaint himself and directed the complainant to lead preliminary evidence.

Learned counsel for the petitioner has relied upon the authority of Hon'ble the Supreme Court delivered in case of ***“Lalita Kumari vs Govt. of U.P. and others”, 2014(1) SCC (Cri) 524.***

I am of the view that the power under Section 156(3) Cr.P.C. are discretionary and these powers are to be exercised only when the Magistrate feels that there is necessity for police investigation. The learned Magistrate has exercised the discretionary powers. Therefore, this Court does not find any ground to interfere in the same.

Accordingly, the present petition stands dismissed.

May 13, 2016
sarita

(KULDIP SINGH)
JUDGE