

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

CRM-M-31773 of 2014 (O&M)
Date of decision : 20.09.2016

Arvinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S.K. Liberhan, Advocate for
Mr. D.S. Sobti, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab

Mr. Rahul Rampal, Advocate
for respondent Nos.2 to 4.

JITENDRA CHAUHAN, J. (Oral)

CRM-28470-2014

Allowed as prayed for, subject to all just exceptions.

Main Case

This petition has been filed under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') for setting aside the order dated 06.06.2014, passed by learned Judicial Magistrate First Class, Ludhiana (for short 'the Magistrate'), whereby the application filed under Section 156(3) Cr.P.C., by the petitioner was dismissed and for issuance of direction to respondent No.1 to register a criminal case under Sections 325, 326, 307, 452, 506 and 120-B of the Indian Penal Code, against respondent Nos.2 to

4.

The learned counsel appearing for the petitioner contends that learned Magistrate has erroneously dismissed the application of the petitioner without considering the fact that the petitioner and his family members were given beatings by the private respondents, which is duly proved from the MLRs on record.

The learned State counsel has supported the impugned order and prayed for dismissal of the present petition. Whereas the learned counsel for respondent Nos.2 to 4 denies the factum of beatings and states that respondent No.2 has suffered injuries at the hands of the petitioner. Therefore, to avoid the legal action for causing these injuries, the present petition has been filed. He cites '**Jagannath Verma and others Vs. State of U.P. and another**', 2015(1) RCR (Criminal) 414 (Allahabad) (F.B.) to contend that respondent Nos.2 to 4 are entitled to an opportunity of being heard in this petition.

I have heard the learned counsel for the parties and carefully perused the entire record on file.

The petitioner/complainant has challenged the order dated 06.06.2014 vide which the application under Section 156(3) Cr.P.C. of the petitioner was dismissed on the ground that there is sufficient evidence to register FIR against respondent No.2 to 4. However, the learned Magistrate has taken cognizance. He has applied his mind while, at the same time, refusing to exercise his jurisdiction under Section 156(3) Cr.P.C. At the time

of passing the impugned order, the learned Magistrate had already ordered to entertain the private complaint of the petitioner and register the same in the register of IPC/complaint cases. This Court also feels that police investigation is not necessary in the present matter and it is not a case where the petitioner cannot himself collect evidence against the accused/respondent Nos.2 to 4 and produce the same before the learned Magistrate. The impugned order passed by the learned Magistrate does not suffer from any error or illegality.

Keeping in view the above, no interference is warranted in the the impugned order.

Accordingly, the instant petition is dismissed.

20.09.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No