

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M 39612 of 2013 (O&M)

Date of decision: 14.03.2016

Krishna Devi

.....Petitioner

versus

State of Haryanan and others

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Anuj Balian, Advocate for the petitioner
Mr.Satish Saini, DAG Haryana
Mr.C.R.Dahiya, Advocate for respondent No.2 & 3
Mr.R.N.Lohan, Advocate for respondent No.5

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)

The petitioner is aggrieved by the order dated 7.4.2012 (Annexure P2), passed by learned Additional Chief Judicial Magistrate, Hisar, vide which, in a complaint filed under Sections 420, 465, 467, 468, 471, 120-B , 506, 406, 379 IPC, the Magistrate has declined the request of the complainant to send the complaint to the police for registration of FIR under Section 156(3) Cr.P.C. The said order was unsuccessfully challenged before the revisional Court, as the revision filed by the petitioner was dismissed by the learned Additional Sessions Judge, Hisar vide order dated 10.7.2013 (Annexure P3).

Heard.

I am of the view that when the complaint is filed, the Magistrate is to apply his mind to the facts of the case. It is not mandatory that in every case, the Magistrate must send the complaint to the police for registration of case under Section 156(3) Cr.P.C. It appears that the Magistrate, after applying his mind, has decided to try the complaint himself. There is no illegality or infirmity in the impugned orders.

The present petition stands dismissed.

It is stated that the petitioner/ complainant is a woman and is more than 50 years of age. It being so, the trial Court will not insist on the personal appearance of the complainant on every date and she can represent herself through a counsel.

14.03.2016

gk

**(Kuldip Singh)
Judge**