

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

**CRM-M No. 42006 of 2016
Date of decision: 03.12.2016**

Simranjeet Kaur

...Petitioner

Versus

State of Haryana & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Johan Kumar, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for setting aside the order dated 09.09.2016 (Annexure P-2) passed by the Judicial Magistrate First Class, Faridabad and order dated 12.10.2016 (Annexure P-3) passed by the Additional Sessions Judge, Faridabad, whereby the request of the petitioner for sending the complaint under Section 156(3) Cr.P.C. to the police for registration of the FIR has been declined.

It is contended by the counsel for the petitioner that marriage of the petitioner was solemnized with respondent No. 2 on 11.07.2000 in which the parents of the petitioner incurred an expenditure as per their capacity. Various difference arose during the said marriage which led the petitioner to reporting the matter to the police. However, since no action was taken on the said complaints, the petitioner filed a criminal complaint under Section 156(3) Cr.P.C. with a request to send the same to the police for registration of the FIR and to investigate the matter in accordance with law. The said complaint was

taken up by the JMIC, Faridabad and since the complaint was not supported by an affidavit, the application filed under Section 156(3) Cr.P.C. was dismissed and the matter was listed for preliminary evidence of the complainant-petitioner herein at her own responsibility. This order was challenged in a revision petition and after hearing arguments, the Additional Sessions Judge, Faridabad dismissed the said petition as being without any merit. Aggrieved against these two orders, the instant petition has been filed.

The Additional Sessions Judge, Faridabad while taking note of the fact that the Hon'ble Apex Court in ***Mrs. Priyanka Srivastava and another vs. State of U.P. and others*** decided on 19.03.2015 in ***Criminal Appeal No. 781 of 2012*** had issued directions that an application under Section 156(3) Cr.P.C. should be duly supported by a sworn affidavit by the applicant who seeks the invocation of the jurisdiction of the Magistrate. There is no infirmity in the order so passed either by the trial Court or by the Additional Sessions Judge, Faridabad.

At this stage, counsel for the petitioner submits that one opportunity may be given to the complainant-petitioner herein to furnish the said affidavit which would then make the complaint in consonance with a judgment rendered in Smt. Priyanka Srivastava's case (supra).

I have heard counsel for the petitioner and found that it would be in the interest of justice, while disposing of the matter *in limine*, to grant one opportunity to the petitioner herein to support the complaint as filed by a sworn affidavit.

So is ordered.

At the moment, notices have not been issued with the result no prejudice would be caused to anyone in case the said petition is allowed *in*

limine. However, this opportunity is being granted on payment of ₹1000/- which shall be deposited by the petitioner with State Legal Services Authority concerned.

Petition stands disposed of.

December 03, 2016

Ansari

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No