

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-6263 of 2016

Date of decision : 22.08.2016

Yogesh Prabhakar

... Petitioner

versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Yogesh Prabhakar, petitioner in person

ANITA CHAUDHRY, J.(ORAL)

This petition has been filed under Section 482 Cr.P.C. seeking quashing of the order dated 10.08.2015 passed by Addl. Sessions Judge, Ambala and the order dated 20.05.2015 passed by Chief Judicial Magistrate, Ambala.

The petitioner was seeking registration of the case and investigation of the matter in a complaint made by him.

The petitioner had filed a complaint under Section 193, 199, 200, 209, 500 IPC (Annexure P-4) before the Chief Judicial Magistrate arraying wife and her father.

On presentation, the Magistrate had passed the following order:-

“Complaint presented before me today. Complainant has requested for sending the complaint to the SHO concerned under Section 156(3) Cr.P.C. for registration of the case and investigation of the matter. Heard, filed perused. As most of the offences pleaded in the complaint are non-cognizable, there is no ground to send the complaint to the SHO concerned under section 156(3) Cr.P.C., for registration of the case and investigation of the matter. Hence, the request is declined.”

Aggrieved with the order the revision was filed and the Revisional

Court dismissed the revision petition. The Magistrate had exercised the option and

instead of sending the complaint to the police for investigation considered it necessary to take the complaint on its own Board and marked the case to another Magistrate, thereby the Magistrate exercised the discretion by choosing the second option.

The petitioner is aggrieved and the main submission is that he had made no request to the Court for sending the case under Section 156(3) Cr.P.C. He urges that he was wanting the Magistrate to follow the directions given in ***Lalita Kumari vs. State of U.P., SCC 2014(II) 1.***

The petitioner had approached the police with a complaint and the police had failed to register an FIR. The petitioner then approached the Magistrate and the Magistrate did not consider it to be a fit case for sending it to the police for registration of the case or investigation. The order was challenged in a revision. The order was not even revisable.

I find no merit in the petition and is dismissed.

August 22, 2016
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(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No