

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-7224 of 2016 (O&M)
Date of Decision: February 29, 2016

St. Thomas School and another

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Akashdeep Singh, Advocate
 for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of order dated 09.12.2015 passed by learned Addl. Chief Judicial Magistrate, Yamuna Nagar at Jagadhri whereby request for sending the complaint to police under Section 156(3) Cr.P.C. was declined and judgment dated 19.01.2016 passed by learned Addl. Sessions Judge, Yamuna Nagar at Jagadhri, whereby revision filed by the petitioners was dismissed.

I have heard learned counsel for the petitioners and have gone through the record.

From the record, I find that a complaint was filed before Illaqa Magistrate, P.S. City Jagadhri by the present petitioners against Rt. Rev. Waris K. Masih and others under Section 190(1) (a) read with Section 156(3) Cr.P.C. for giving directions to the police to register the

FIR and investigate the matter.

As per the complaint, the dispute is regarding management of the school between the two groups. Learned ACJM, Yamuna Nagar at Jagadhri vide order dated 01.10.2015 passed the order that complaint presented on that day with a request for sending the complaint under Section 156(3) Cr.P.C. After hearing and after perusing the documents, learned ACJM held that no ground is made out for sending the complaint under Section 156(3) Cr.P.C. as prayed for and it is further ordered that present complaint be treated as private complaint and the complaint was fixed for preliminary evidence. A revision was filed against order dated 01.10.2015 before Sessions Court and learned Addl. Sessions Judge, Yamuna Nagar at Jagadhri, allowed the revision vide judgment dated 10.11.2015 and directed learned Magistrate to hear complainant and to decide the prayer of sending the complaint to police afresh by passing a speaking order.

Vide impugned order dated 09.12.2015, learned ACJM, Yamuna Nagar at Jagadhri passed the order afresh and held that it is not a case where any investigation is required by the police and the request for sending the complaint to police was again declined and the case was fixed for preliminary evidence of the complainant.

Against the order dated 09.12.2015, again a revision petition was filed before Sessions Court and learned Addl. Sessions Judge, Yamuna Nagar at Jagadhri, dismissed the revision petition vide impugned judgment dated 19.01.2016.

Aggrieved from the above-said order and judgment, present petition has been filed.

From the record, I find that in the present case, there is dispute regarding management of the school etc. In view of the facts and circumstances as given in the complaint, police investigation is not necessary and the complainant can prove its case by leading evidence.

Further, I find that it is not necessary to give reasoning or to pass detailed order while dismissing the request under Section 156 (3) Cr.P.C. The Magistrate is only required to apply judicial mind. It is written in the order that Magistrate has heard and perused the request and request was declined.

From the averments of the complaint, I find that complainant can prove the case and police investigation, in no way, can be held as essential in the facts and circumstances of the present case. In no way, it can be held that the order and judgment passed by the Courts below are illegal or amount to miscarriage of justice. The order and judgment passed by the Courts below are correct, as per law and do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

February 29, 2016
Vgulati

(INDERJIT SINGH)
JUDGE