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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 1830 of 2016 (O/M)
Date of decision : 23.5.2016

Harbinder Singh Baidwan

..... Petitioner

Versus

Kashmira Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Petitioner in person.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Heard.

The present petitioner filed a complaint under Section 156 (3) Cr.P.C. before the lower Court with a request that the same should be sent to the police for registration of a case.

Vide the impugned order dated 3.5.2016, the learned Sub Divisional Judicial Magistrate, Nabha, observed that the complainant has failed to prove any prima facie cognizable offence. It was further observed that the matter in dispute is essentially a civil matter and criminal over tones have been given to the same. Hence, the application was dismissed. The net result was that the prayer of the petitioner for forwarding the complaint to the police under Section 156(3) Cr.P.C. stood declined. At the same time, the complaint was

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also dismissed. So far as the first part is concerned, it was the discretion of the learned Sub Divisional Judicial Magistrate, Nabha, to see whether the complaint is to be sent to the police under Section 156 (3) Cr.P.C. This Court is in agreement with the view taken by the learned Sub Divisional Judicial Magistrate, Nabha, that the complaint is not to be sent to the police for registration of a case under Section 156 (3) Cr.P.C. as there was no prima facie case of cognizable offence. However, if the complaint is to be dismissed, for that purpose, the learned Sub Divisional Judicial Magistrate, Nabha, was required to record the preliminary evidence and only after examining the preliminary evidence, the order of dismissing the complaint ought to be passed.

In these circumstances, the present revision is partly allowed and the case is remanded back to the Court of the learned Sub Divisional Judicial Magistrate, Nabha, with a direction to record the preliminary evidence and thereafter pass an order whether the accused are to be summoned or complaint is to be dismissed.

The present revision is accordingly disposed of.

(KULDIP SINGH)
JUDGE

23.5.2016
sjks