

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

**Criminal Misc. No. M-15049 of 2017
Date of Decision: 02.05.2017**

Kulwant Singh

.. Petitioner

Vs.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Simranjeet Singh Sarwara, Advocate for the petitioner.

...

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for directing the official respondents to take appropriate and quick action against the private respondents as per law and to proceed with the FIR No.59 dated 21.05.2016 under Sections 452/323/324/506/148/149 IPC registered at Police Station Banur.

Learned counsel for the petitioner argues that the petitioner has filed the application before the Illaqa Magistrate for monitoring the investigation of the present FIR and to call the status report.

I have perused the order passed by the JMIC Mohali dated 20.03.2017. According to which it is stated that no papers are pending relating to this FIR and the application be put up along with the challan as and when it is filed.

On the face of it, this order is not as per law. As per the law laid down by the Hon'ble Supreme Court in *Sakiri Vasu v. State of U.P. and others, 2008 (1) RCR (Cr.) 392 (SC)*, the Illaqa Magistrate is to

supervise and even monitor the investigation and the applicant has filed the application for monitoring the investigation of the present FIR. The correct approach should have been to call the report from the concerned Police Station and then to decide the application as per law.

The order dated 20.03.2017 passed by the JMIC, Mohali that application be put up along with the challan as and when it is filed is hereby set aside.

The concerned Illaqa Magistrate/JMIC, Mohali is directed to proceed with the application as per law.

With aforesaid direction, this petition stands disposed of.

May 02, 2017
jasmine

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No