

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

CRM No.M-34767 of 2017(O&M)
Date of Decision: September 21, 2017

Rajesh Shukla

...Petitioner

VERSUS

Ashok Yadav and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Mehndiratta, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against Ashok Yadav and other respondents for quashing the order dated 06.11.2015 passed by learned Judicial Magistrate Ist Class, Chandigarh, whereby petition under Section 156(3) Cr.P.C. has been treated as complaint and for quashing the order dated 11.07.2017 passed by learned Addl. Sessions Judge, Chandigarh, whereby the revision against the order passed by learned JMIC, Chandigarh was dismissed.

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

From the record, I find that a complaint has been filed by the complainant-petitioner under Section 156(3) Cr.P.C. before the Court below under Sections 323, 331, 332, 351, 352, 355, 503, 504 IPC for registration

discussing the facts minutely, passed detailed order dated 06.11.2015 and application for registration of FIR under Section 156(3) Cr.P.C. was declined and it was treated as complaint case and fixed the same for preliminary evidence. A revision was filed before Court of Session and learned Addl. Sessions Judge, Chandigarh, dismissed the same vide order dated 11.07.2017.

Aggrieved from the above-said orders, present petition has been filed.

The perusal of the record shows that the accused are mainly officials of Central Bureau of Investigation and the allegation is that when the CBI officials raided the police station in a trap case to apprehend the present complainant-petitioner, then they have given beating and threats etc. to the petitioner, who was in office in his uniform.

At the time of arguments, it is admitted that case under Prevention of Corruption Act regarding same occurrence in the present case is pending before the trial Court and the CBI officials who laid the trap are shown as accused in this case. As regarding the allegation of the complainant that these officials gave beatings or confined him etc., I find that at that time, the CBI officials while laying the trap and apprehending the accused, were performing official duties and they have investigated that case and filed the challan against the present complainant-petitioner.

Secondly, I find that all the facts which are stated by the complainant in the complaint, can be proved by bringing evidence. No scientific investigation is required in the present case. Even if it is taken that there is any CCTV footage etc., as argued, even then, the petitioner can

prove it by filing application before the trial Court, as per law.

The discretion vested with learned Magistrate has been used judiciously and no illegality has been committed by learned Courts below while passing the impugned orders.

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

September 21, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No