

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

CRM No.M-38781 of 2016 (O&M)

Date of Decision: July 18, 2017

Inderjit Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.K.S.Chawla, Advocate
for the petitioner.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab
for the respondent-State.

Mr.Rajvir Singh, Advocate
for respondents No.3 to 12.

Mr.Som Nath Saini, Advocate
for respondent No.13.

Mr.Hari Om Sharma, Advocate
for respondent No.14.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing the order dated 08.01.2016 passed by learned Judicial Magistrate Ist Class, Samrala, vide which the complaint filed by the petitioner was treated as complaint and was not sent for registration of the FIR and judgment dated 06.08.2016 passed by learned Addl. Sessions Judge, Ludhiana, vide which revision filed by the petitioner was also dismissed.

Notice of motion was issued. Learned State counsel as well as

learned counsel for private respondents appeared and contested the petition.

Learned counsel for the petitioner firstly argued that on the complaint dated 07.11.2014 (Annexure P-10), which was given to the police, SHO concerned be directed to register the FIR. He also argued that in the complaint case, which learned Magistrate has not sent to the SHO under Section 156(3) Cr.P.C., the registration of the FIR be ordered. He further argued that learned Magistrate has passed illegal order by taking cognizance himself without recording the statement of the complainant and without getting the report under Section 202 Cr.P.C.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

The perusal of the record shows there is no question of giving direction to the SHO now, to consider the complaint Annexure P-10 given by the petitioner on 07.11.2014 for registration of the FIR, when the petitioner has availed alternative remedy as held in **Sakiri Vasu v. State of U.P. and others, 2008 (1) R.C.R. (Cr.) 392** by filing criminal complaint before Judicial Magistrate. Nothing has been argued as to how the order passed by learned Magistrate by not sending the complaint for registration of the FIR, is illegal. The only argument on this point is that the Court has taken cognizance without recording the statement of the complainant and without getting report under Section 202 Cr.P.C. When the trial Court vide order dated 08.01.2016 has not sent the complaint to the SHO for registration of the FIR and treated it as criminal complaint and has taken the cognizance itself, then the stage, for recording the statement of complainant and to consider whether report under Section 202 Cr.P.C. is to be called or

not sending the complaint to the police station and rather, took the cognizance itself. No illegality has been committed by learned Magistrate while passing the detailed impugned order dated 08.01.2016. Otherwise also, in view of the averments in the complaint, I find that complaint is not of such a nature that it requires investigation from the police. Rather, the complainant can also produce the evidence before the Court to prove her version.

I have gone through the order and judgment passed by the Courts below. Nothing has been argued as to how these order and judgment are illegal or perverse. The perusal of the record shows that 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.

July 18, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No