

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

**CRM No.M-43008 of 2017 (O&M)
Date of Decision: November 16, 2017**

Pawan Goyal

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Jaideep Kaur, Advocate for
Mr.Hitesh Kaplish, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Harnek Singh for quashing the impugned order dated 01.03.2017 passed by learned Sub Divisional Judicial Magistrate, Phagwara, vide which the complaint/application filed by the petitioner-complainant under Section 156(3) Cr.P.C. was not sent to concerned SHO for registration of a case.

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

From the record, I find that a complaint was filed by Pawan Goyal against Harnek Singh along with application under Section 156(3) Cr.P.C. Learned SDJM, Phagwara, did not send the application to the SHO for registration of a case, rather, he treated it as complaint and taken the cognizance vide impugned order dated 01.03.2017. Aggrieved from the afore-said impugned order, present petition has been filed.

has gone through the copy of affidavit of Pardeep Singh dated 18.04.2013, copy of forged agreement alleged to have signed by the applicant, copy of rapat in Daily Diary, original report of Handwriting Expert, copy of stamp and signature of applicant, copy of letter dated 03.12.2012 to PSPCL requesting them not to release electricity connection to Harnek Singh, copies of various correspondence and affidavit which was given to PSPCL, copies of letters given to SP, Phagwara etc. and after going through the said documents, took cognizance itself and case was fixed preliminary evidence.

I have gone through the complaint and the allegations levelled in the complaint against the accused. In my view, no investigation is required by the police. All the facts, which are stated in the complaint, regarding taking of loan by the accused, issuing of cheque and agreement, can be proved before the Court without any scientific investigation. Even, the impugned order shows that petitioner has already obtained report of Handwriting Expert also.

In view of the above facts, I find that no illegality has been committed by learned Court below while taking the cognizance itself and by not sending the complaint/application to the police station for registration of a case. As no illegality has been committed, therefore, no ground is made for quashing the impugned order dated 01.03.2017 passed by learned SDJM, Phagwara.

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

November 09, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No