

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 11000 of 2018 (O&M)

Date of decision : 22.3.2018

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Makhan Singh

.....Petitioner

vs.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Arvind Thakur, Advocate
for the petitioner.

...

H. S. Madaan, J.

Heard.

Record perused.

By way of filing the present petition under Section 482 Cr.P.C. petitioner Makhan Singh craves for issuance of a direction to the State of Punjab through its Home Secretary, Senior Superintendent of Police, Fazilka, Station House officer, Police Station Sadar, Fazilka, District Fazilka, to register a criminal case against private respondents under Section 10/11 of the Prohibition of the Child Marriage Restraint Act, 2006 and for forging date of birth certificate, for the purpose of getting marriage registered, in that way

playing fraud with various Government authorities.

Learned counsel for the petitioner has submitted that the petitioner is justified in approaching this Court by way of filing the petition, since in the terms of ratio of authority **Lalita Kumari vs. Govt. of U.P. And others 2014 (1) SCC (Cri) 524**, registration of FIR is mandatory under Section 154 Cr.P.C. if the information discloses commission of a cognizable offence and no preliminary enquiry is permissible in such a situation.

However, the petitioner has straightway filed the present petition in this Court without approaching the Judicial Magistrate having jurisdiction under Section 156 (3) Cr.P.C. for redressal of his grievances, in terms of ratio of the authority reported as **Sakiri Vasu vs. State of U.P. And others 2008 (1) RCR (Criminal) 392** by the Apex Court. Therefore, the present petition is disposed of relegating the petitioner to the remedy of approaching the Judicial Magistrate having jurisdiction over Police Station Sadar, Fazilka, District Fazilka, under Section 156 (3) Cr.P.C.

22.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No