

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

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CRM-M NO.23523 OF 2018

DATE OF DECISION: MAY 30, 2018

Pardeep Kumar Mehta

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Aman Dhir, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, praying for setting-aside the order dated 11.01.2017 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Mukeriana, whereby an application under Section 156 (3) Cr.P.C. has been treated as a complaint, against which the petitioner preferred a revision petition, which has been dismissed by the learned Additional Sessions Judge, Hoshiarpur, vide judgment dated 18.04.2018 (Annexure P-5), upholding the order passed by the trial Court.

It is the contention of learned counsel for the petitioner that once cognizable offence is made out and that too on the basis of the documents which have been placed on record, the Magistrate did not have any option but to direct registration of FIR under Section 156(3) Cr.P.C. He further contends that investigation in the matter is essential and, therefore, he prays that the impugned orders be set-aside and direction be issued for

registration of FIR.

I have considered the submissions made by learned counsel for the petitioner and with his assistance have gone through the impugned orders but do not find myself in agreement with him.

The reasons, which have been assigned by the learned trial Court, cannot be said to be without any basis. It is an admitted position that the petitioner had moved an application with the same allegations, which, as of now, are asserted in the complaint dated 13.05.2012, before the Punjab State Human Rights Commission, which had marked the said complaint to the Senior Superintendent of Police with a direction to enquire into the same, which was duly so enquired by the Station House Officer of the Police Station concerned, who found the allegations levelled by the complainant to be false and without any basis and, therefore, no FIR was registered. The trial Court, in the light of those circumstances, has proceeded to observe that it would be more appropriate that the petition preferred by the petitioner be treated as a complaint and has accordingly called upon the complainant to lead his evidence. The said order is in accordance with law and does not call for any interference by this Court. Similarly, the order, which has been passed by learned revisional Court also being in accordance with law cannot be said to be requiring any interference by this Court and that too in the extra ordinary jurisdiction.

The petition, therefore, stands dismissed.

May 30, 2018
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(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No