

117+249**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-46860-2017(O&M)
Date of Decision: 12.10.2018****Harinder Singh****...Petitioner****Versus****State of Punjab and others****....Respondents****CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. P.S.Milgani, Advocate for
Mr. Damanpreet Singh Bhikhi, Advocate
for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through the instant petition Section 482 Cr.P.C., prayer has been made for quashing order dated 25.10.2017 of the revisional Court, affirming order dated 18.03.2017 of the trial Court passed in Misc. Application, bearing CRM No. 773-2016 filed under Section 156(3) Cr.P.C., declining the prayer of the petitioner for registration of FIR.

Briefly, the petitioner filed a complaint under Section 156(3) Cr.P.C. before the Illaqa Magistrate against private respondents No. 4 to 11 under Sections 416, 419, 420, 463, 464, 465, 467, 468, 471, 120-B and 34 IPC alleging that the police did not take any action against the private respondents on his complaint, forcing him to file

present complaint.

Considering this aspect of the matter, trial Court repeatedly requested the petitioner for furnishing particulars of his complaint which he had, allegedly, moved before the police, but despite repeated requests, the petitioner did not furnish the particulars of his complaint. Consequently, the trial Court considering the contents of the complaint of the petitioner, vide order dated 18.03.2017, treated it as a complaint case and to decide the same at its own level, without referring the same to the police for investigation.

Being aggrieved by order dated 18.03.2017 (Annexure P-1) of the trial Court for not referring his complaint under Section 156(3) Cr.P.C. to the police, the petitioner filed a revision petition but remained unsuccessful inasmuch as the Revisional Court, vide judgment dated 25.10.2017 (Annexure P-2), too dismissed it.

Heard.

After giving anxious consideration to the rival submissions of both the sides, this Court is not inclined to differ with the findings of the trial Court and revisional Court as well, for the simple reasons that it is not mandatory for a Court to refer every complaint under Section 156(3) Cr.P.C. to the police for preliminary investigation. The Court, on its own, in its wisdom, can take cognizance of the offence, which is alleged in a private complaint under Section 190 Cr.P.C. Therefore, there is no illegality or perversity in the impugned orders in treating the complaint of the petitioner as a complaint case and directing him to

produce his preliminary evidence, without referring the matter to the police for investigation.

Dismissed.

12th October, 2018
shabha

[RAMENDRA JAIN]
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No