

116
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/1/2019 16:23
I attest to the accuracy and
authenticity of this document

CRM-M-2087-2019 (O/M)
Date of decision : 18.1.2019

Wazir Chand

..... Petitioner (s)

Versus

State of Haryana and others

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Alisha Soni, Advocate,
for petitioner.

-:-

-:-

KULDIP SINGH, J. (ORAL)

Petitioner is aggrieved of order dated 17.9.2018 (Annexure-P-2), passed by learned Additional Chief Judicial Magistrate, Rohtak, vide which while taking cognizance of a complaint filed by petitioner, he refused to send sale deed of property in question to police under Section 156 (3) Cr.P.C.

The learned Additional Chief Judicial Magistrate, Rohtak, in the impugned order has observed that complainant alleges that in the year 2016, he was dispossessed from property in question. It was admitted that sale deed is in the name of accused. For these reasons, the learned Additional Chief Judicial Magistrate, Rohtak, was of the view that there is no need for police investigation. The impugned order has already been unsuccessfully tested before learned Sessions Judge, Rohtak. There is nothing wrong with order. The order is perfectly in accordance with law. Rather, this Court is of the view that lower Court should not blindly send every complaint to police for registration of a case which in many cases amount to misuse of process of Court. Dismissed with liberty to learned Additional Chief Judicial Magistrate, Rohtak, to get an inquiry conducted under Section 202 Cr.P.C.

(KULDIP SINGH)
JUDGE

18.1.2019

sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No