

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53369-2019
Date of Decision: December 13, 2019

Sudesh Khosla

.....Petitioner

Versus

Ajay Khosla and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vipin Mahajan, Advocate, for the petitioner.

Harnaresh Singh Gill, J.

The instant petition filed under Section 482 Cr.P.C. seeks quashing of order dated 18.04.2019 passed by the Sub Divisional Judicial Magistrate, Batala, vide which the application under Section 156(3) Cr.P.C. filed by the petitioner, has been dismissed.

The petitioner moved an application under Section 156(3) Cr.P.C. for issuance of the directions to the SHO, Police Station, Batala to register an FIR against respondent Nos. 2 to 4, alleging that in the year 1979-80, an English Medium School was established in District Gurdaspur and the same was being run by the Registered Society under the Societies Registration Act, 1860. Respondent Nos. 2 to 4 have committed a series of illegal and fraudulent acts by converting the income of the School to their own personal property and as such their acts fall within the ambit of cheating and criminal breach of trust.

I have heard the learned counsel for the petitioner and with his able assistance have gone through the documents on the case file.

The Sub Divisional Judicial Magistrate, Batala has drawn conclusion that no extra-ordinary grounds are made out at this stage for directing the police to register a case.

Section 156 Cr.P.C. is reproduced hereunder for ready reference:-

“156. Police officer’s power to investigate cognizable case. (1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under Section 190 may order such an investigation as above-mentioned.”

As per the complaint, respondent Nos. 2 to 4 have misused the revenue funds of the School to the tune of Rs.2,30,00,000/- and Rs.15,00,000/- and got deposited the same in their accounts or in their private Mills accounts. As per the report dated 19.09.2017 of the Special Investigation Team Batala and the Deputy Superintendent of Police, City Batala, the matter between both the parties is sub-judice in the Court.

Even otherwise, vide the impugned order, the learned Sub Divisional Judicial Magistrate, has treated the application under Section 156(3) Cr.P.C. as a private complaint.

In view of the above, no case is made out for interference with the impugned order passed by the learned Sub Divisional Judicial Magistrate, Batala. Hence, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

December 13, 2019
ds

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No