

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

106

CRM-M No.28381 of 2020

DATE OF DECISION : 15th OCTOBER, 2020

Sumanpreet Kaur

.... **Petitioners**

Versus

State of Punjab & another

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

=====

In virtual Court

=====

Present : Mr. Bhupinder Ghai, Advocate for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of order dated 31.08.2020 (Annexure P-3) passed in Criminal Complaint having CRM No.32 of 2020, titled as Sumanpreet Kaur versus Manjinder Singh, vide which sending of the complaint to the SHO concerned under the provisions of Section 156(3) of the Cr.P.C., has been declined.

A bare perusal of the impugned order shows that in the application moved under Section 156(3) Cr.P.C., the Magistrate, instead of sending the complaint to the police for investigation, has taken the cognizance of the offence by treating the application as the complaint. Further order has been passed for leading preliminary evidence by the complaint. Therefore, this court, does not find any illegality or irregularity with the order passed by the court below.

Moreover, this court has already held in CRM-M No.12329 of 2018 titled as M/s. Sujjan Multiportis Ltd. Versus State of Haryana & others decided on 12.03.2019 that while dealing with the application under Section 156(3) Cr.P.C., the Magistrate is not required to give any detailed reasons for not referring the matter for investigation by the police. The course of action adopted by the Magistrate is perfectly in-line with the law laid down by the Hon’ble Supreme Court, insofar as the Magistrate has taken cognizance of the offence and has decided to proceed further with the matter in accordance with law.

In view of the above, finding no merit in the present petition the same is dismissed.

15th OCTOBER, 2020
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>