

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

CRM-M-2768-2021 (O&M)

Date of decision: 21.01.2021

Joga Singh

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Tribhawan Singla, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Prayer in the present petition is for setting aside the order dated 07.03.2020 (Annexure P-5) passed by the Judicial Magistrate 1st Class, dismissing the application filed under Section 156(3) Cr.P.C. and to issue directions to official respondents No. 1 to 3 to register an FIR against the culprits under the relevant Sections of IPC for causing serious injuries/trespass.

Learned counsel for the petitioner points out that the aforesaid application was dismissed by the the Judicial Magistrate 1st Class, Hoshiarpur, wrongly concluding therein that neither the date and time of the occurrence was forthcoming nor was it disclosed as to who attacked the petitioner.

Notice of motion to respondents No. 1 to 3 only.

On the asking of this Court, Mr. Randhir Singh Thind, DAG Punjab, accepts notice on behalf of respondents No. 1 to 3.

Notice is not being issued to the private respondents to avoid the unnecessary delay.

Learned State counsel points out that the petitioner has a remedy to file a private complaint under Section 190 Cr.P.C. and if so advised, he may file such complaint raising therein his grievance.

I have heard the learned counsel for the parties.

Section 190(1)(a) Cr.P.C. provides that a Magistrate may take cognizance of any offence upon receiving a complaint of facts which constitute such offence. Indisputably, the petitioner has not avail such remedy.

In view of the above, the present petition is disposed of with the liberty to the petitioner to file a complaint under Section 190 Cr.P.C. within 15 days from today, whereupon the Court concerned shall decide the same in accordance with law.

However, it is made clear that while deciding the complaint so filed by the petitioner, the learned Magistrate shall decide the same in accordance with law, uninfluenced by any observation made above.

(HARNARESH SINGH GILL)
JUDGE

21.01.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No