

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

CRM-M-2371-2021

Date of decision-18.01.2021

Gurucharan Singh

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajesh Kumar, Advocate for the petitioner.

MANOJ BAJAJ, J.

By means of this petition filed under Section 482 Cr.P.C, the petitioner has prayed for issuance of directions to the official respondent Nos.1 to 3 for registration of FIR against private respondent Nos.4 to 7, as through the impugned order dated 10.11.2020 (Annexure P-1), the Additional Chief Judicial Magistrate, Kurukshetra has refused to exercise the jurisdiction under Section 156 (3) Cr.P.C.

Learned counsel for the petitioner has contended that by way of an application dated 10.11.2020, a request was made before learned Magistrate for issuance of directions under Section 156(3) Cr.P.C to the SHO to register and investigate the case against the accused for alleged commission of offence punishable under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC. He submits that the learned Additional Chief Judicial Magistrate wrongly observed that there are no sufficient reasons for exercise of power under Section 156(3) Cr.P.C and therefore, the impugned order warrants interference.

After hearing learned counsel for the petitioner, this Court finds that the learned Additional Chief Judicial Magistrate Kurukshetra has carefully examined the allegations contained in the complaint and rightly declined to exercise the jurisdiction under Section 156(3) Cr.P.C. The contents of the application filed under Section 156(3) Cr.P.C clearly reveal that the complainant has made a prayer for recovery of Rs.6,50,000/- from the accused persons and for the said purpose, a civil suit between the parties is already pending. Even otherwise, Sub Section 3 Section 156 Code of Criminal Procedure contemplates one of the modes of cognizance by Police and it is not mandatory for the Magistrate to exercise this power as and when such prayer is received. A perusal of the impugned order further reveals that while declining the prayer of the complainant, the trial Court has adjourned the case for preliminary evidence of the complainant which clearly indicates that the Court has opted to proceed with the complaint under the provisions of Chapter XV Cr.P.C.

Resultantly, this Court does not find any merit in the present petition and the same is dismissed.

(MANOJ BAJAJ)
JUDGE

18.01.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No