

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CRM-M-4102-2021

DATE OF DECISION: 27.07.2021

KULVEER SINGH

-PETITIONER

STATE OF PUNJAB AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Mandeep Singh Dhaliwal, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

The hearing of the petition has been conducted through Video Conferencing.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of impugned order dated 16.12.2020 (Annexure P-4) passed by Sub Divisional Judicial Magistrate, Moonak whereby application filed under Section 156 (3) Cr.P.C. by the petitioner for direction to Station House Officer, Police Station Khanauri, respondent No.2, to register First Information Report against unknown persons regarding theft of his truck, and to conduct investigation, has been dismissed.

Facts, in brief, are that the petitioner approached the Magistrate

under Section 156 (3) Cr.P.C. on the allegation that his truck, which was parked outside a Dhaba in Tohana, was stolen in the intervening night of 3/4-11-2020 and though the petitioner went to Police Station and got his statement recorded, the police did not register the FIR. On his application, the Magistrate called for a report from the concerned SHO and after perusing the same, dismissed the application vide the order impugned herein.

Counsel for the petitioner urges that the Magistrate erred in calling for a report from the police, despite the fact that the offence was cognizable and he was duty bound to straightaway register an FIR.

Having heard the counsel and after going through the paper-book with his able assistance, this Court is of the view that there is no substance in his argument. Once an application under Section 156 (3) of the Code. is moved before a Magistrate, who is empowered to take cognizance thereof, it is for him to decide the course of action. In order to satisfy himself about the veracity of the allegation made in the application, the Magistrate can direct the police to inquire and submit a report, which procedure has been adopted by him. Upon enquiry, the police has reported that as per the CCTV footage, the truck was not found to be parked at the spot from where it was alleged to be stolen, and the possibility that the petitioner had manipulated the theft in order to take undue advantage, cannot be ruled out. After analyzing the police report, the Magistrate agreed with the same and came to the conclusion that no order is required to be passed under Section 156 (3) Cr.P.C.

There is no infirmity with the procedure adopted by the Magistrate.

Finding no merit in the petition, it is ordered to be dismissed.

(SUVIR SEHGAL)
JUDGE

27.07.2021
Kamal

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No