

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-14762-2021
Decided on : 05.04.2021

Lakhwinder Singh

..... Petitioner

Versus

State of Punjab & Ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bipan Ghai, Sr. Advocate with
Mr. Deepanshu Mehta, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 482 Cr.PC for quashing the order dated 08.02.2021 passed by JMIC, Patti under Section 156(3) Cr.PC.

Learned Senior counsel submits that the SHO of the police station concerned did not investigate the case properly and thereafter submitted a report to Sr. Superintendent of Police, Tarn Taran that he had come to know from his secret information that the victim had obtained a false MLR from the Civil Hospital, Patti pertaining to the injury allegedly sustained by him in the occurrence in question. Learned counsel submits that in the wake of the aforementioned, the complainant moved an application under Section 156(3) Cr.PC against the accused-respondents before the Court of Judicial Magistrate, Ist Class, Patti, however, during the pendency of the aforementioned application, the victim Kala Singh expired on 31.12.2020 and the present petitioner was allowed to pursue the application so filed. Learned Senior counsel while inviting the attention of

this Court to the impugned order has submitted that the learned JMIC, Patti erred in relying upon the report of concerned SHO, Police Station Patti and thereafter ordering the application to be treated as a private complaint. It has been submitted that rather the Judicial Magistrate Ist Class should have ordered the registration of FIR against the accused-respondents.

I have heard learned senior counsel for the petitioner and perused the material available on record.

Judicial Magistrate, Ist Class is seized of the matter and has taken cognizance of the application moved under Order 156(3) Cr.PC by directing the petitioner-complainant to produce his witnesses by way of preliminary evidence. The approach of Judicial Magistrate, Ist Class in passing the impugned order is most just and in accordance with law, which does not reflect any perversity whatsoever. The impugned order would not in any manner cause any prejudice to the petitioner.

Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

05.04.2021

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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No