

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

**CRM-M-34283-2017 (O&M)
Date of decision : 04.07.2022**

Harjeet Singh Sahdra

...Petitioner

Vs.

U.T.Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ajaivir Singh, Advocate for the petitioner.
Mr. Rajeev Anand, APP, U.T.Chandigarh.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 482 Cr.P.C to challenge the order dated 13.07.2017 (Annexure P-6) passed by Additional Sessions Judge, Chandigarh, whereby the order dated 30.04.2016 passed by Judicial Magistrate First Class, Chandigarh dismissing the complaint moved by him under Section 156 (3) Cr.P.C., was upheld.

Learned counsel has argued that on 29.09.2015, petitioner arrived in India for short visit, who had taken services of New Alpha Electronics for repair of his washing machine, but the said machine was delivered back to the complainant without repair and this resulted in a small altercation between the technician, namely, Sandeep Kumar and complainant. He has argued that subsequently, the petitioner was taken to the Police Station Sector-34, Chandigarh by respondent No.3, where he was threatened and detained for a period of thirty minutes. He submits that in respect of the alleged occurrence, a complaint was moved by him before the

Magistrate under Section 156(3) Cr.P.C for registration of FIR, but through the impugned order dated 30.04.2016, the Court refused to exercise the powers vested in it and dismissed the application, though, the Court further directed the petitioner to adduce his pre summoning evidence. Learned counsel has submitted that the said order was further challenged by way of criminal revision bearing No.256/2016, but the same was also dismissed vide order dated 13.07.2017. He submits that the impugned orders are not sustainable in the eyes of law and warrant interference by this Court as the allegations contained in the complaint contain the necessary ingredients to constitute the offences punishable under Sections 166, 342, 420, 506, 201 and 120-B IPC.

The prayer is opposed by learned counsel for respondent-U.T. Chandigarh, who has referred to the short reply filed by Station House Officer, Sector 34, Chandigarh and submitted that an information was received by Police regarding quarrel in House No.613, Sector 33, Chandigarh, whereupon DDR No.63 dated 01.10.2015 was registered. It is the case of the respondent-U.T.Chandigarh that complaint given by technician-Sandeep Kumar was withdrawn as the parties had compromised the matter. According to learned counsel the petition is without any merit and deserves to be dismissed.

After hearing learned counsel for the parties and considering the above background, this Court finds that the complaint by petitioner moved under Section 156(3) Cr.P.C. is not supported with any affidavit, therefore, the same is not complete and could not have been entertained in view of the

decision of Hon'ble Supreme Court in Priyanka Srivastava and another Vs. State of U.P and others, 2015(2) R.C.R. (Criminal) 1034. It is admitted case of the parties that there was an altercation between Sandeep Kumar (technician) and the petitioner and according to learned counsel for U.T.Chandigarh, as the issue was trivial, therefore, they had entered into a compromise, but according to the petitioner, he was taken to the Police Station and was wrongfully confined for thirty minutes. However, the stand maintained by the petitioner is not supported by any other convincing material and is based upon bald allegations.

Further, perusal of the impugned orders reveals that the Magistrate as well as revisional Court have carefully examined the complaint and have rightly refused to exercise the discretion under Section 156 (3) Cr.P.C. It may be noticed here that while rejecting the prayer for sending the case of the complainant to Police under Section 156 (3) Cr.P.C, the Magistrate has adopted the procedure contemplated by Chapter XV Code of Criminal Procedure. Resultantly, this Court is not inclined to exercise the inherent powers under Section 482 Cr.P.C. as the petitioner can avail this alternative remedy which appears to be more suitable in the facts and circumstances of the case.

Dismissed.

(MANOJ BAJAJ)
JUDGE

04.07.2022

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