

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

**CRM-M No. 22548 of 2022
Date of Decision: 31.05.2022**

Labh Singh

..... Petitioner

Versus

The SHO, Police Station North,
Sector-3, Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Baltej Singh Sidhu, Sr. Advocate assisted by
Mr. Inderpal Singh, Advocate for the petitioner.

SURESHWAR THAKUR, J. (ORAL)

1. The learned Judicial Magistrate concerned, through an order of 20.01.2022 (Annexure P-4), after declining the complainant's grievance for registration of an FIR against the accused in a petition under Section 156(3) of the Cr.P.C., yet thereafter, on the statement of the learned counsel for the complainant, ordered for the treating the above petition, as a private complaint.
2. The learned counsel for the petitioner, does not have any grievance with respect to the above declinings, to the aggrieved complainant, but is definitely aggrieved from the fact, that the learned Magistrate concerned, ordered for the treating of the petition under Section 156(3) of the Cr.P.C., as a complaint, and, that too on the request of the learned counsel for the complainant.
3. The learned counsel for the petitioner submits, that the counsel concerned, did not make any such statement. In support thereof, he refers to the application(s), appended as Annexure P-5, and, Annexure P-7.

4. Therefore, the learned Judicial Magistrate concerned, is directed to bear in mind all the above annexures, and, to thereafter, he may proceed to treat the petition under Section 156(3) of the Cr.P.C., as a complaint, but, while treating the petition under Section 156(3) of the Cr.P.C., as, a complaint, he may not say so that he is doing so, on the basis of a statement made, by the learned counsel for the complainant.

5. The above is required to be done as it would put the record straight, inasmuch as, the truth and integrity of the counsel for the complainant, becoming completely protected. The above order be pronounced within three weeks hereafter.

6. Disposed of.

May 31, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>