

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45093-2022

Date of decision : 05.12.2022

Ankit Kumar

..... Petitioner

versus

State of U.T. Chandigarh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sahir Singh Virk, Advocate
for the petitioner.

Mr. Ankur Bali, Addl. P.P., U.T. Chandigarh.

Mr. Salil Sagar, Sr. Advocate with
Mr. Sunil Kumar, Advocate and
Mr. Sankalp Sagar, Advocate
for respondents No.4 to 6.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. seeking registration of FIR and proper time bound investigation in complaint dated 27.05.2022 filed before the police authorities and on the application dated 06.08.2022 preferred by the petitioner under Section 156(3) Cr.P.C. before the Magistrate seeking directions to register FIR against respondents No.4 to 6 for the offences punishable under Sections 406, 409, 418, 420, 467, 468, 471 and 120 B of IPC.

2. From the record, it is discernible that on 08.08.2022, the Magistrate while dealing with the prayer made by the petitioner under Section 156(3) passed the following order:-

“Fresh complaint under Section 156(3) of Cr.P.C. presented today. It be checked and registered. Before proceeding further, status report regarding the

complaint dated 27.05.2022 from the concerned SHO be called for 03.09.2022. Along-with copy of this order, copy of said complaint be also sent to the concerned SHO for necessary information and compliance.”

3. The present petition came up for preliminary hearing before this Court on 28.09.2022 and till then the police authorities had not filed status report before the concerned Magistrate. Thus, notice of motion was issued. Status report by way of affidavit of Niyati Mittal, Deputy Superintendent of Police, Economics Offences Wing, Union Territory, Chandigarh was filed before this Court on 13.10.2022, wherein the police authorities prayed for extension of time to comply with the order passed by the Magistrate.

4. Counsels are *ad idem* that now in compliance of the order passed by the Magistrate dated 08.08.2022, status report by the police authorities has been filed on 28.10.2022 and the matter is still pending before the concerned Magistrate.

5. Counsel for the petitioner has emphatically argued that de hors the fact that the matter is pending before the Magistrate, it is a case wherein this Court while exercising jurisdiction under Section 482 Cr.P.C. should direct registration of FIR. Strong reliance is being placed upon *Centrum Financial Services Ltd. vs. State of NCT of Delhi*, reported as **2022 AIR Supreme Court 650**. Counsel for the petitioner while referring to the aforesaid precedents submits that in the similar circumstances, Apex Court found that criminal prosecution will be maintainable de hors proceedings pending before NCLT.

6. I have heard counsel for the parties and have gone through the records of the case.

7. There cannot be any dispute w.r.t. the proposition laid down by Apex Court in Centrum Financial's case (supra). However, the question remains as to whether in a given situation where same prayer made by the petitioner is already pending adjudication before the Magistrate, should this Court exercise jurisdiction vested under Section 482 Cr.P.C. for grant of same relief?

8. In the considered opinion of this Court, once the prayer made by the petitioner for registration of FIR is pending before the Magistrate, it will not be in the interest of justice that this Court should interfere at this stage while exercising jurisdiction under Section 482 Cr.P.C. for grant of same relief.

9. Keeping in view the aforesaid facts and circumstances, the present petition is dismissed being without merit. I may add here that this Court has not examined the merits of the case and any observation made herein may not be construed as expression on merits of the case.

05.12.2022

Dinesh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable :

No