

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

109

CRM-M-48705 of 2022
Date of Decision: 08.12.2022

Manjot Singh Bains

..... Petitioner

Versus

U.T., Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Ram Kumar Chauhan, Advocate for the petitioner.

GURBIR SINGH, J (ORAL

Petitioner has filed the present petition under Section 482 Cr.P.C. for issuance of directions to register the case on the basis of complaint dated 11.01.2022 (Annexure P-1) against respondents No.5 and 6.

Brief facts of the petition are that the petitioner had purchased Ford Endeavour Car from Sakander Singh through respondent No.4 by sending money from Canada. Respondent No.4 is brother-in-law of the petitioner, who being close relative gave the assurance to the petitioner that he would get the vehicle transferred in his name as registered owner. In the Registration Certificate, respondents No.4 and 5 who are father and son illegally and fraudulently transferred the car in the name of respondent No.4 by making entry in the Registration Certificate. Aadhar Card of respondent No.4 was attached along with snap of the car by giving wrong address. Respondent No.4 never resided at the said address. Respondents No.4 and 5 are working as Constable and ASI in the Punjab Police. Respondent No.4 Kuljit Singh son of Sukhwinder Singh has now got the vehicle transferred in the Registration Certificate in his name. The petitioner wrote the letter to the concerned authority for taking legal action but reply dated 03.09.2021 was received asking the petitioner to approach the police. Petitioner through his Special

Power of Attorney moved a complaint to the police (Annexure P-1). He again made representation dated 31.05.2022 to the police (Annexure P-2) but no action has been taken by the police.

Prayer in this case is made for issuance of directions to respondents No.1 to 3 for registration of the case (Annexure P-1).

Heard.

Section 156 of the Cr.P.C. is as under:-

“(1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under Section 190 may order such an investigation as above mentioned.”

In this case, the petitioner can approach directly the concerned jurisdictional Judicial Magistrate who is fully empowered to pass the orders for registration of the FIR and to investigate the matter in dispute under Section 156 (3) Cr.P.C.

Since the specific remedy is available to the petitioner to invoke the provisions of Section 156(3) Cr.P.C. before the Judicial Magistrate concerned, so this petition is not maintainable.

With the above observations, this petition is dismissed.

(GURBIR SINGH)
JUDGE

08.12.2022
D.Bansal

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