

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:071999
CRM-22572-2023 in/and
CRM-M-25155-2023 (O&M)
Date of Decision: May 17, 2023

Dr. Seema Jain

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Brahma Prakash, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

CRM-22572-2023

This is an application under Rule 3-A(I) Chapter VI Part B, Vol. V of the High Court Rules and Orders for grant of leave to file the present petition.

Application is allowed as prayed for.

Main Case

Petitioner is aggrieved by the order dated 07.12.2021 (Annexure P-1) passed by learned Addl. Sessions Judge, Faridabad, whereby her revision was dismissed by holding the same to be not maintainable against the order dated 26.07.2021 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Faridabad, whereby request of the petitioner to send her complaint under Section 156(3) Cr.P.C. was declined.

As it emerges that Smt. Raj Rani Mittal, the predecessor of the petitioner booked a commercial plot in the project of 'Omaxe Commercial Hub' and made part payment. Later on, rights were assigned in favour of the petitioner. The grievance of the petitioner is that the plot has not been allotted till date despite part payment and that the project

name of 'Omaxe Commercial Hub' has been changed as 'Omaxe City

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Centre' and 'WS World Street' and the same was taken over by M/s Robust Buildwell Pvt. Ltd.

Petitioner wants the investigation to be done on the basis of allegations made by her under Sections 420, 427, 193, 217/ 34, 107/120-B IPC. However, learned counsel for the petitioner has failed to convince this Court as to how the petitioner was deceived in any manner or as to what mischief was committed with her and how the respondents have colluded, so as to ask for the police investigation.

On a complaint being filed, Magistrate has the power either to take preliminary evidence or to send the same to the police for getting the FIR registered and investigate the matter. Not only this, before issuing process, Magistrate may even call the report under Section 202 Cr.P.C. from the concerned police station.

In the present case, learned Magistrate chooses to decline the request to send the complaint under Section 156(3) Cr.P.C. for registration of the FIR for police investigation.

Having regard to the facts pleaded as noticed above, this Court does not find any illegality in the impugned orders. As such, the present petition is dismissed.

May 17, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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