

2024:PHHC:073843



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

CRM-M-24097-2024
DECIDED ON: 14.05.2024

ARVIND KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rajesh Malik, Advocate
for the petitioner.

SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court under Section 482 Cr.P.C. has been invoked seeking quashing of order dated 22.04.2024 (Annexure P-7) passed by learned Judicial Magistrate Ist Class, Sonipat in a complaint case bearing No. COMI/91/2024, titled **“Arvind Kumar vs. State of Haryana,** whereby, an application under Section 156(3) Cr.P.C. seeking registration of FIR under Sections 406, 420, 467, 468, 471, 120-B, 34 of the Indian Penal Code, 1860 and under Sections 3 to 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978, filed by the petitioner has been dismissed.

2. It has been contended by learned counsel for the petitioner that the learned trial Court has dismissed the application filed by the petitioner

under Section 156(3) Cr.P.C. without even calling for the action report from the concerned authorities, which is the mandate of the Code of Criminal Procedure, 1973. It is further contended that the learned trial Court has passed the impugned order on the basis of conjectures and surmises.

3. The case of the petitioner is that he had invested an amount of Rs.6,15,000/- in a company under the name and style of M/s Evergreen Business Solution Company Pvt. Ltd by transferring the said amount from his SBI account with assurance by respondents No.5 to 9 that they would double the amount within a period of 180 days but neither the amount was doubled nor even a single amount was returned by respondent Nos.5 to 9. Thereafter, a complaint was filed by the petitioner but no action was taken on the same. The petitioner came to know about the scam of respondent Nos.5 to 9 and that the fact that there are thousands of victims who have been duped of their hard earned money by respondent Nos.5 to 9. It is further submitted that respondent No.5 had also assured the petitioner that she will return the amount of the petitioner by January, 2024 and also got a written compromise effected regarding this. It is also submitted that in spite of various complaints to the Police Station, no action has been taken on the same and thus, aggrieved by above-mentioned facts, the present petitioner is before this Court by filing the present petition.

3. The observation made by learned trial Court in the impugned order dated 22.04.2024, clearly indicate that no ground was made out to send the complaint under Section 156(3) Cr.P.C. and exercising of powers

under Section 156(3) of Cr.P.C. is discretionary and the Court is not bound to send each and every complaint for registration of FIR under Section 156(3) Cr.P.C. Another reason recorded by learned trial Court is that law laid down by the complainant/petitioner are not applicable to the case of complainant as the facts of the case are distinguishable from the case law cited.

4. The learned Judicial Magistrate Ist Class, Sonipat, considering the abovesaid facts, was not inclined to exercise the power under section 156(3) Cr.P.C and dismissed the application filed by the petitioner under Section 156(3) Cr.P.C.

5. From the perusal of impugned order as well as the contents of the complaint, it is evident that the learned trial Court has not considered the averments made in the complaint at all, which ought to have been examined to ascertain as to whether the investigation in the case was correctly conducted or not.

6. In view of the fact that the order under challenge before this Court is absolutely unreasoned and cryptic one, learned Judicial Magistrate Ist Class, Sonipat is directed to decide the application under Section 156(3) Cr.P.C. filed by the petitioner afresh after following the due procedure and going through the material, documentary and oral evidence, within a period of three months from the date of receipt of certified copy of this order.

14.05.2024

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No