



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

**CRM-M-46244-2024
DECIDED ON:26.09.2024**

RAM KISHAN

.....PETITIONER

VERSUS

STATE OF HARYANA & ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. A.P. Bhandari, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 482 Cr.P.C. has been invoked seeking modification/alteration of the order dated 18.07.2024 (Annexure P-2) passed by Judicial Magistrate Ist Class, Jagadhari in a complaint No. 114/24, dated 18.07.2024.

The Magistrate while declining the application under Section 175(3) BNSS has not taken into account the legal notice, which was duly served upon SHO and simplicitor declined the application on the ground that the complainant should have approached to the concerned SHO or Superintendent of Police, Yamuna Nagar before approaching this Court.

In the light of the fact that a legal notice dated 16.10.2023 (Annexure P-3) was duly served upon the Station House Officer, Chhachhrauli, Yamuna Nagar, this Court is of the view that the impugned order suffers from material illegality.

Accordingly, the matter is remanded back to the court concerned with a direction to decide it afresh after taking into consideration the legal notice dated 16.10.2023 (Annexure P-3), which was duly served upon the SHO, in accordance with law.

In the afore-said terms, the present petition stands disposed off.

26.09.2024

Sham

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>