

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2024:PHHC:161288



CRM-M-60497-2024 (O&M)
Date of Decision:- 03.12.2024

Vijay Kumar Goel ...Petitioner(s)
Versus
State of Punjab and others ...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**

Present:- Mr. S.K.Jain, Advocate,
Mr. Anubhav Singla, Advocate,
Mr. Saurabh Arora, Advocate,
Mr. Abhimanyu Garg, Advocate, for the petitioner(s).

Mr. Gagneshwar Walia, Additional Advocate General, Punjab
with Mr. Charanpreet Singh, Deputy Advocate General, Punjab.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

The petitioner is aggrieved by the fact that despite having informed the concerned Magistrate under Section 156(3) of the Code of Criminal Procedure about the failure of the police concerned to register an FIR despite commission of cognizable offences of forgery, criminal breach of trust and conspiracy, the concerned Magistrate has declined to direct the concerned police authorities to investigate the matter and instead treated the application filed under Section 156(3) Cr.P.C. as a complaint under Section 200 Cr.P.C.

2. Under the provisions of Code of Criminal Procedure, the Magistrate has two options when an application under Section 156(3) Cr.P.C. is filed by an aggrieved person. Firstly, the Magistrate can direct the concerned police to submit a report and thereafter decide as to whether any cognizable offence has been committed or not and if it is found that cognizable offence

appears to have been committed based on the report supplied by the police, then a direction can be issued to the police to investigate the matter after registration of FIR. The second option is to treat the application filed under Section 156 Cr.P.C. as a complaint under Section 200 Cr.P.C. and thereafter conduct an inquiry by recording statement of complainant and supporting witnesses, if any, and thereafter come to a conclusion as to whether any cognizable offence has been committed prima-facie enough to take cognizance.

3. The Magistrate having chosen the second option, no fault can be found in the order dated 07.02.2024. Accordingly, without commenting upon the merits of the case, the present petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

03.12.2024

ravinder

Whether speaking/reasoned	✓Yes/No
Whether reportable	Yes/No✓