



CRM-M-13579-2025

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

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CRM-M-13579-2025 (O&M)

Date of Decision: 11.03.2025

Durga Prasad

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ajay Singh, Advocate and
Ms. Mehak Chadha, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), praying for issuance of direction to official respondent Nos. 2 and 3 to register an FIR against respondent Nos. 4 to 6, under Sections 306, 384, 406 and 120-B of Indian Penal Code, 1860 (for short, 'IPC').

2. Learned counsel for petitioner contends that petitioner moved application (P-3) at Police Station Sector 40, Gurugram against the respondent Nos. 4 to 6; but no action was taken by the police. Further contends that feeling aggrieved, petitioner moved application (P-4) under Section 156(3) Cr.P.C for registration of FIR before learned Judicial Magistrate First Class, Gurugram (for short 'JMFC'), which is pending adjudication before learned District and Sessions Court, Gurugram for the last one year and now the matter is fixed for hearing for 30.07.2025.

3. Heard learned counsel for the petitioner and perused the paper book.



4. It transpires that the averments made in the present petition are contrary to record, as the zimni orders downloaded from the official website of District Courts, Gurugram reveal that application (P-4) under Section 156(3) of the Cr.P.C stands dismissed by learned JMIC on 17.09.2024 and it has been considered as regular complaint under Section 200 Cr.P.C.

For reference, order dated 17.09.2024, being relevant, is reproduced here as under:-

“Arguments heard on application u/s 156(3) Cr.P.C. Record perused. The ld. Counsel for the complainant has submitted that a cognizable case is made out and thereby directions be given for registration of FIR against the accused. In support of his arguments he relied upon the following judgments:

Lalita Kumari Vs. Government of Uttar Pradesh and Ors., 2014 JCC SC 11 and Ramesh Kumari Vs. State (Nct of Delhi) & Ors, 2006 Supreme 2 243.

In the action taken report, filed by the police it has been stated that the deceased Ashu had proposed Vinita Gupta for marriage in 2023 but Vinita Gupta had refused, however, the deceased kept pursuing her and would also make calls to her. He kept pressuring her for marriage and to save herself, she made a complaint in pink booth to the police in which she only stated that the deceased should not trouble her and she has not made any other allegations against the accused. Further, during the inquiry no wrong message or troubling message was found to be sent by Vinita to the deceased. It is further stated that in the suicide note the reason for suicide has not been mentioned. It is further stated that since Vinita refused to marry the deceased, Ashu committed suicide by consuming poison.

In the present case in suicide note though the name of Vinita has been mentioned but it has not been stated as to how she has abetted the suicide. There is nothing on record to show that Vinita had been black mailing the deceased. The only complaint that Vinita had given which have been tendered by the police is dated 21.01.2024 whether she had stated that the accused has been troubling her and pressuring her for marriage. Mere refusal to marry the deceased by Vinita does not prima facie show abatement of suicide of the deceased. Further the judgments relied upon by the ld. Counsel for the complainant are distinguishable from the facts of the present case and hence not applicable to the present case.

In any case, directing investigation u/s 156(3) is a pre-cognizance stage and the need for such direction arises only when the expertise of the investigation agency is required. In cases where applicant himself is in possession of evidence to prove his allegation there is no requirement to pass an order u/s



156(3) Cr.P.C. If at all investigation to some extent be needed then recourse to section 202 Cr.P.C. can be made. The powers vested u/s 156(3) have to be exercised judiciously and not as a matter of routine.

Accordingly, this court is of the considered view that the need for exercising the powers vested u/s 156(3) Cr.P.C. does not arise in the facts and circumstances of the present case. The application u/s 156(3) Cr.P.C. stands dismissed.

Now case is adjourned to 21.01.2025 for pre-summoning evidence on behalf of the complainant.

Order dated 21.01.2025 passed by learned JMIC reads as under:

Today, the case was fixed for pre summoning evidence on behalf of complainant. One CW Durga Prasad is present and examined as CW-1. No other CW is present. Adjournment sought. Heard and allowed. Now case is adjourned to 30.07.2025 for pre summoning evidence on behalf of complainant.”

A bare perusal of the aforesaid orders reveals that after dismissal of the application (P-4) under Section 156(3) of Cr.P.C, learned JMIC has proceeded to record pre-summoning evidence of petitioner under the provisions of Section 200 Cr.P.C. Thus, present petition appears to be misconceived without disclosing about the dismissal of application (P-4) under Section 156(3) of Cr.P.C.

5. In the circumstances, present petition is liable to be dismissed with costs; but taking a lenient view, this Court does not want to take such an extreme step in the matter.

6. Consequently, there is no option except to dispose off the petition with a request to learned JMIC not to grant unwarranted adjournment(s) in the matter.

7. So ordered.

8. Needless to say that this order be not construed as an expression of opinion on the merits of controversy in any manner; nor same shall debar the petitioner from availing any other remedy as per law.



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Pending application(s), if any, shall also stand disposed off.

11.03.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No