

2025:PHHC:075932



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

**CRM-M-17308-2025
DECIDED ON: 08.05.2025**

MANISH KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Navkesh Singh Goraya, Advocate
for the petitioner.

SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court under Section 528 of BNSS, 2023 has been invoked seeking quashing of impugned order dated 28.10.2024 (Annexure P-1) passed by learned Judicial Magistrate Ist Class, Ludhiana in a criminal complaint bearing No. CRM-3474-2024 dated 27.05.2024 filed by the petitioner against respondents No.4 to 8 under Section 156 (3) Cr.P.C. (Now Section 175(3) of BNSS, 2023).

2. Briefly stated, the case of the complainant is that he is engaged in the taxi business and has been married to respondent no. 4 for the past 28–29 years. Two daughters were born out of the wedlock, both of whom are majors. A dispute arose between the complainant and respondent no. 4, who

runs a boutique and parlour in the same house. On 04.05.2024, at around 10:00 AM, the complainant was allegedly assaulted by respondents no. 4 to 8 and several unidentified women, resulting in grievous injuries. The complainant avers that he was treated at Civil Hospital, Ludhiana, and a medico-legal report (Annexure P-2) was issued. A complaint was subsequently filed with the Commissioner of Police, Ludhiana, and marked to Police Station Shimlapuri bearing UID No. 351885/2024, in which no action was allegedly taken.

3. It is contended by learned counsel for the petitioner that the petitioner was constrained to file an application under Section 156 (3) Cr.P.C. (Now Section 175(3) of BNSS, 2023) for registration of FIR, as the local police is having hand in glove with the accused. It is argued that the learned trial Court instead of deciding the criminal complaint filed by the petitioner under Section 156(3) Cr.P.C. (Now Section 175 (3) of BNSS, 2023) has passed the impugned order dated 28.10.2024 (Annexure P-1) in a haste manner without even calling for the action report from the concerned authorities, which is the mandate of the Code of Criminal Procedure, 1973 (now BNSS, 2023) and issued a direction to treat the said complaint as private one and, therefore, the mandatory registration of FIR was not ordered despite therebeing MLR to the effect that the incidence has occurred.

4. Heard.

5. The complainant had approached this Court under Section 156(3) Cr.P.C. (now Section 175(3) of BNSS, 2023) seeking registration of an FIR. However, from the perusal of the impugned order passed by the trial

court, it is evident that the complainant made a statement before the Court to the effect that his application under Section 156(3) Cr.P.C. may kindly be treated as a private complaint.

6. In light of the said statement made voluntarily by the complainant, the application was ordered to be treated as a private complaint, and the present criminal complaint bearing CRM No. 3474-2024 was accordingly directed to be registered as a Complaint Case (COMI).

7. Once the complainant himself has chosen to proceed with the matter as a private complaint, the original application under Section 156(3) Cr.P.C. (now Section 175(3) BNSS) no longer survives and stands disposed of.

8. In view of the above facts and circumstances, no grounds are made out for the exercise of powers under Section 175(3) BNSS, 2023 for directing registration of FIR, especially when the complainant has elected to proceed through the private complaint route.

9. Ordered accordingly.

10. The present application under Section 175(3) BNSS, 2023 (earlier Section 156(3) Cr.P.C.) is hereby dismissed as infructuous, in view of the statement suffered by the complainant and the order passed for treating the matter as a private complaint.

08.05.2025
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(SANDEEP MOUDGIL)
JUDGE

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