

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:072663



130

CRM-M-39406-2024
Date of decision:26.05.2025

Bhawna Chaudhary

... Petitioner

Vs.

Gaje Singh & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Tarun Seth, Legal Aid counsel for the petitioner,
(appeared through Video Conferencing).

...

Manisha Batra, J. (Oral).

1. Prayer in this petition has been made for quashing of order dated 13.01.2022 (Annexure P-1) passed by the Court of learned Judicial Magistrate 1st Class, Jind in COMI/1/2022 titled as 'Bhawna Chaudhary Vs. Gaje Singh and others', whereby the prayer made by the petitioner for sending the complaint filed by her under Section 156(3) Cr.P.C. for registration of FIR had been declined and the direction was given to her to produce preliminary evidence as well as the order dated 30.11.2022 passed by the revisional Court in CRR No.8 2022, whereby the order passed by learned Magistrate had been upheld.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned complaint had been filed by the petitioner on the allegations that she was married with one Sanjay. Respondent Sanjay in connivance with other respondents hatched a conspiracy against her and in

pursuance thereof, a release deed No.5587 was executed and registered on 26.03.2007 in the office of the Sub Registrar, Narwana in favour of respondents No.11, 12, 14, 15, 16 and 17. Her sister-in-law Anita @ Sarita was also a party to the said relinquishment deed. It was alleged that infact she was residing in U.K. and was not in India at the time of execution of the said release deed. It was alleged that some other persons impersonated Anita and signatures on the release deed were also forged and therefore, by alleging that fraud had been committed by her husband and the remaining persons named as accused, she prayed for taking action in the matter.

3. Along with the complaint, the petitioner moved an application for sending the said complaint under Section 156(3) Cr.P.C. to the jurisdictional police station for registration of the FIR. The concerned Judicial Magistrate vide order dated 13.01.2021 observed that no sufficient ground for sending the case under Section 156(3) Cr.P.C. for registration of FIR was made out and posted the case for recording preliminary evidence.

4. As already discussed the revision petition as filed by the petitioner has also been dismissed.

5. It is argued by learned counsel for the petitioner that the impugned orders as passed by the Court of learned Judicial Magistrate as well as revisional Court are not sustainable in the eyes of law as while passing the same, the Courts concerned did not apply their judicious mind and committed gross errors. There was sufficient material on record to show that Anita @ Sarita in connivance with others had committed offence of cheating and forgery for causing wrongful loss to her but this fact had not been taken into consideration. It is, therefore, argued that the impugned

orders are liable to be set aside, the petition deserves to be accepted and the complaint filed by her deserves to be sent to the concerned police station for registration of FIR.

6. Due deliberation has been given to the arguments addressed by learned counsel for the petitioner and record has been carefully perused.

7. Section 156(3) Cr.P.C. (**Section of 175 of BNSS**) deals with powers of a police officer to investigate a cognizable case. As per this provision, when a complaint is filed before a Magistrate, he has option to refer such complaint to the police for registration of the FIR and conduct investigation or to proceed under Section 223 of BNSS (which is *pari-materia* with Section 200 Cr.P.C.). There is no obligation on the Magistrate to send a complaint for registration of an FIR. However, he has to apply his own mind to the allegations made in the complaint for this purpose. It has been well settled by a catena of judgments that there is no requirement of recording reasons while dealing with the question as to whether provisions of Section 156(3) Cr.P.C. are to be applied or not? The concerned Magistrate can give indication of application of mind even without directly recording reasons in detail.

8. In the instant case, the allegations made by the complainant are that the signatures of her sister-in-law on a release deed that was executed in the year 2007, were forged. It is not her case that she was a party to the said release deed or any loss had been caused to her by the alleged forged signatures or by execution of the said release deed even otherwise. Even the contents of this petition are quite vague on the point. The petitioner herself is not shown to have recorded any justified reasons for taking action against

the persons named as accused in her complaint. The learned Magistrate after going through the allegations in the complaint and after applying her mind to the facts, arrived at a conclusion that no case for giving directions to the concerned police officer for registration of FIR had been made out. Learned revisional Court also passed a well reasoned order and dismissed the revision petition by observing that the allegations as made in the complaint did not require any investigation and no case for registration of FIR was made out. Both these orders are well reasoned and do not require any interference in the considered opinion of this Court. Accordingly, petition is dismissed.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

26.05.2025*harjeet***(MANISHA BATRA)
JUDGE**

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