



125

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

**CRM-M No.24285 of 2026
Date of Decision: 01.05.2026**

Anita Dhiman @ Anita Garg

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Shekhar Verma, Advocate and
Mr. Rahul Chadha, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for setting aside/quashing of impugned order dated 06.02.2026 bearing CNR No.PBLD010211992023, having CIS No.CRR-880-2023, whereby the criminal revision petition under Section 397 read with Section 401 of Cr.P.C. was dismissed against the impugned order dated 09.06.2023 bearing CNR No.PBLD030460232023 having CIS No.CRM-23633-2023 whereby application under Section 156(3) Cr.P.C. of the petitioner was disposed of without giving direction for registration of the FIR. Further prayer has been made for setting aside/quashing of impugned order dated 09.06.2023 bearing CNR No.PBLD030460232023 having CIS No.CRM-23633-2023 whereby application under Section 156(3)



Cr.P.C. of the petitioner was disposed of without giving direction for registration of the FIR.

2. Brief facts of the case are that the petitioner had approached the Court of learned Illaqa Magistrate by moving an application under Section 156(3) Cr.P.C. for registration of the FIR under Sections 406, 409, 419, 420, 467, 468, 471, 120-B of IPC read with Section 34 of IPC against unknown accused. The petitioner has mentioned in the application that she made a complaint to ACP, E.O. Wing on 11.05.2022 disclosing therein that her husband, namely, Ishwar Dass Garg being Managing Director of M/s MRG Auto Private Limited, dealt with various banks in normal course of business including HDFC Bank Limited. The Bank had filed one complaint under Section 138 of Negotiable Instruments Act against the company, husband of petitioner and the petitioner wherein certain documents were filed on which purported signatures of the petitioner appeared, however, the petitioner had not signed any such documents. On verification, vide report dated 05.05.2022, it was found that the signatures appeared on copies of those documents on the judicial file were not of the petitioner and thus, it was found that bank officials had forged the signatures of the petitioner with a view to make her an accused in criminal complaint. The petitioner also moved an application before the Deputy Commissioner of Police under Section 156(3) Cr.P.C. on 02.03.2023, however, no FIR was registered on her complaint. It was alleged that the original documents were in the possession of the bank which require confiscation and verification by

sending the same to FSL. Thereafter, the petitioner filed an application before the learned Magistrate under Section 156(3) Cr.P.C. to register the FIR and the learned Judicial Magistrate Ist Class, Ludhiana had disposed of the same vide order dated 09.06.2023 by treating it as a complaint. Being aggrieved, the petitioner filed the revision petition before the learned Appellate Court and the learned Additional Sessions Judge, Ludhiana vide impugned order dated 06.02.2026 had dismissed the revision petition filed by the petitioner. Hence, the petitioner is before this Court praying for quashing of the abovementioned orders.

3. Learned counsel for the petitioner has submitted that the learned trial Court has failed to appreciate the fact that the petitioner has no source or means to collect the evidence and that the original documents bearing purported signatures of petitioner are in the possession of the Bank. He has submitted that the learned trial Court has also not considered that the original documents were not produced by the Bank in the complaint filed under Section 138 of Negotiable Instruments Act seeking opportunities and thus, it is impossible for the petitioner to gather incriminating evidence and identify the culprits. He has submitted that the registration of the FIR was imperative to advance cause of justice. He has relied upon the decision passed by Hon'ble the Supreme Court in '*Lalita Kumari vs. State of Uttar Pradesh*', (2014) 2 SCC 1 and has submitted that registration of the FIR is mandatory under Section 154 Cr.P.C. as the information given by the petitioner to police discloses commission of cognizable offences.



4. I have heard learned counsel for the petitioner at length and have gone through the record carefully.

5. It is apparent that the petitioner had filed an application under Section 156(3) Cr.P.C for registration of the FIR, however, learned Magistrate concerned, on hearing counsel for the petitioner, had disposed of the same vide impugned order dated 09.06.2023 by treating the application filed by the petitioner as a complaint. The learned Magistrate before passing the impugned order, had taken into consideration the submissions made by counsel for the petitioner before him including the fact that the petitioner had got compared her signatures on the documents from a private expert. After taking into consideration, all the submissions, the learned Magistrate observed that there was no need to direct the police to investigate the matter under Section 156(3) Cr.P.C. and treated the application filed by the petitioner as a complaint. The revision petition filed by the petitioner against the order dated 09.06.2023 before the learned Appellate Court was dismissed vide order dated 06.02.2026. The learned Appellate Court, while dismissing the revision petition filed by the petitioner, had duly considered the allegations made by the petitioner and observed that the same is already the subject matter of the complaint filed by the respondent-Bank against the petitioner and others under Section 138 of Negotiable Instruments Act, which was still pending and considered it not appropriate to straight away direct investigation. It has further been observed that exercise of discretion by the Magistrate under Section 156(3) Cr.p.C. is guided by



the interest of justice from case to case and investigation cannot be mechanically directed without examining the actual requirement of investigation by state machinery.

6. To understand the controversy in hand, the statutory provisions of Sections 175 BNSS (erstwhile Section 156 Cr.P.C.) is necessary to be considered, which are reproduced as under:-

“Section 175 BNSS:- Police officer's power to investigate cognizable case.

(1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIV:

Provided that considering the nature and gravity of the offence, the Superintendent of Police may require the Deputy Superintendent of Police to investigate the case.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under section 210 may, after considering the application supported by an affidavit made under sub-section (4) of section 173, and after making such inquiry as he thinks necessary and submission made in this regard by the police officer, order such an investigation as above-mentioned.

(4) Any Magistrate empowered under section 210, may, upon receiving a complaint against a public servant arising in course of the discharge of his official duties, order investigation, subject to-

(a) receiving a report containing facts and circumstances of the incident from the officer superior to him; and

(b) after consideration of the assertions made by the public servant as to the situation that led to the incident so alleged.”

7. Upon receiving the complaint the Magistrate has three options, which are as under:-

(i) he may accept the report and drop the proceedings or

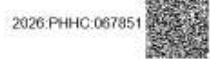


- (ii) *he may disagree with the report and taking the view that there is sufficient ground for proceeding further, take cognizance of the offence and issue process or*
- (iii) *he may direct further investigation to be made by the police under sub-section (3) of Section 156.*

8. Hon'ble Apex Court has time and again discussed the scope of Section 156(3)Cr.P.C/175(3) BNSS. In a recent judgement of ***Om Prakash Ambadkar vs The State Of Maharashtra 2025 INSC 139***, decided on 16 January, 2025, Hon'ble Supreme Court has held as under:-

“10. Ordinarily, Section 156(3) of the Cr.P.C. is invoked by the complainant when the police authorities decline to register a First Information Report. In such circumstances, a private complaint may be made in the court of the Judicial Magistrate and the complainant may pray that police investigation be ordered under Section 156(3) of the Cr.P.C. However, it is the discretion of the concerned Magistrate whether to order police investigation under Section 156(3) of Cr.P.C. or take cognizance upon the complaint and issue process or dismiss the complaint under Section 203 of Cr.P.C. Over a period of time and in view of many decisions of this Court, if the officer in-charge of the concerned Police Station for some reasons declines to register the FIR, then the law has left it open for the complainant to file an appropriate application before the Magistrate and pray for police investigation. Once an order is passed for police investigation under Section 156(3) of the Cr.P.C., then it becomes a police case. At the end of the investigation the police may either file a charge-sheet or file an appropriate closure report.

11. However, what is important to observe is that whenever any application is filed by the complainant before the Court of Judicial Magistrate seeking police investigation under Section 156(3) of the Cr.P.C., it is the duty of the concerned Magistrate to apply his mind for the purpose of ascertaining whether the allegations levelled in the complaint constitute any cognizable offence or not.



In other words, the Magistrate may not undertake the exercise to ascertain whether the complaint is false or otherwise, however, the Magistrate is obliged before he proceeds to pass an order for police investigation to closely consider whether the necessary ingredients to constitute the alleged offence are borne out on plain reading of the complaint.”

9. A perusal of the record shows that both the Courts had rightly refrained from invoking Section 156(3) Cr.P.C. and there is no perversity in order of the learned trial Court as well as by the learned Revisional Court.
10. The judgment relied upon by learned counsel for the petitioner is distinguishable from the facts and circumstances of the present case.
11. On the appreciation of the arguments raised by learned counsel for the petitioner and the record on the anvil of the law settled by Hon’ble the Supreme Court in abovesaid case, this Court does not find any infirmity in the view taken by both the Courts below and thus, finding no merit in the present petition, the same is hereby dismissed.
12. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

01.05.2026

rittu

Whether speaking/reasoned

Whether reportable

(RAJESH BHARDWAJ)

JUDGE

: Yes/No

: Yes/No