

**(1996) 06 AHC CK 0011**

**In the Allahabad High Court**

**Case No :** Criminal Miscellaneous Application No. 2024 of 1996

Kaushalesh Prasad and Ors.

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

**Date of Decision :** 07-06-1996

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 156(3)

**Citation :** (1996) 06 AHC CK 0011

**Hon'ble Judges :** J.C.Gupta, J

**Final Decision :** Disposed Of

## Judgement

1. C. Gupta, J.—Heard the learned counsel for the applicants.

2. That by the present application the applicants have prayed that the order dated 4696 passed by the A.C.J.M. IInd, Allahabad be quashed and so also the criminal proceedings initiated against the applicants on the basis of the said order. It appears that opposite party No. 3, who is one of the accused persons in the case initiated by the present applicants, has put forwarded a cross version of the incident. He has now made an application under Section 156(3) Cr.P.C. before the Magistrate concerned and stated thereunder that his first information report was not recorded by the police. On this application the Magistrate has directed the police to register the case and investigate the case.

3. Learned counsel for the applicants argued before me that the Magistrate under Section 156(3) Cr.P.C. has no power to direct that the registration on F.I.R. and that being so that action taken by the police on the basis of the F.I.R. is also illegal and without jurisdiction.

4. Considering the facts and circumstances, this Court feels that it is not a case in which interference at investigation stage is called for. The police may continue the investigation. However, looking to the facts and circumstances, it is directed that the applicants shall not be arrested in the case which is to be investigated by the police on the basis of the order dated 4696 passed by the A.C.J.M. IInd,

Allahabad under Section 156(3), Cr.P.C. till the submission of charge sheet on the condition that the applicants shall extend all cooperation to the police in the matter of investigation.

5. With these observations, this application is disposed of finally.