

(1993) 08 AHC CK 0042
In the Allahabad High Court
Case No : Criminal Revision No. 187 of 1993

Kishora Kant Singh

APPELLANT

Vs

Vashishtha Singh Yadav & Ors.

RESPONDENT

Date of Decision : 04-08-1993

Acts Referred:

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

Citation : (1993) 08 AHC CK 0042

Hon'ble Judges : K.C.Bhargava, J

Final Decision : Allowed

AI Structured Summary

AI-generated summary — verify against the full judgment text before relying on it in practice.

FACTS

The case involves a revision against an order from the IInd Additional Chief Judicial Magistrate, Gonda, rejecting the applicant's request under Section 156(3) of the Cr. P.C. The applicant alleged that police constables and other officials committed an offense and sought to have the police register and investigate the matter. After initially approaching the Superintendent of Police without a response, the applicant turned to the magistrate, who ultimately denied the request based on procedural grounds.

LAW POINTS

['Whether the applicant could move under Section 156(3) Cr. P.C. without first filing an FIR under Section 154 Cr. P.C.', 'The necessity of prior notice to opposite parties before directing an FIR to be registered under Section 156(3) Cr. P.C.']

ACTS & ARTICLES

['Section 154, Cr. P.C.', 'Section 156(3), Cr. P.C.']

JUDGMENTS REFERRED

None

OBITER DICTA

The court clarified that for an application under Section 156(3) Cr. P.C., there is no requirement for prior notice to the opposite parties, as they are not being summoned as accused at that stage. The ruling emphasizes the procedural flexibility available to applicants seeking police action.

RATIO DECIDENDI

The court established that a magistrate has the authority to direct police to register an FIR and conduct an investigation even if the applicant has not formally approached the police station first. This interpretation of Section 156(3) promotes access to justice in situations where initial police inaction has been evident.

FINAL RULING

The court allowed the revision, set aside the order of the IInd Additional Chief Judicial Magistrate, and directed the Station Officer of Police Station Khargupur, District Gonda to register an FIR based on the allegations made by the applicant.

PLAIN-LANGUAGE GIST

The applicant contested the magistrate's refusal to direct police action under Section 156(3) Cr. P.C. The court ruled in favor of the applicant, confirming the magistrate's misapplication of law and directing the police to register the FIR.