
(2001) 08 AHC CK 0078
In the Allahabad High Court
Case No : Criminal Revision No. 2054 of 2001

Mohan Lal Agrawal

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 10-08-2001

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 156(3), 2(d), 397

Citation : (2001) 08 AHC CK 0078

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

Final Decision : Disposed Of

Judgement

J. C. Gupta, J.

1. Heard Sri G.S. Hajela learned Counsel for the applicant in revision and the learned AGA.

2. This revision is directed against the order dated 762001 passed by CJM,

1 Lalitpur rejecting applicant's application purported to have been made under Section 156(3) Cr PC.

3. It is well settled that an order of investigation by police can only be passed on a complaint or on application which otherwise fulfils requirements of a complaint as envisaged under Section 2(d) of the Criminal Procedure Code. In the present case the application was moved before the learned Magistrate only with a view to direct the police to register case and investigate. It did not fulfil the requirements of the complaint as per the provisions of Section 2(d) Cr.P.C. Even otherwise also the allegations made in the application were too vague. As per the own case of the applicant when he visited on 662001 he came to know that his tin shed etc. had been removed by accused persons who were named in the said application but the source of information for knowledge was not disclosed. Therefore, when on the application contained such vague allegation it cannot be said that the learned Magistrate had erred in rejecting the said application. It shall, however, be open for the applicant to file fresh application/complaint before the Magistrate

concerned giving facts in detail and if the compliant or application which otherwise amounts to compliant is made before the Magistrate concerned, shall proceed in accordance with law.

4. Revision is accordingly disposed of finally.

Revision disposed of.