
(2002) 06 AHC CK 0001
In the Allahabad High Court
Case No : Criminal M.W.P. 2912 of 2002

Ram Singh and Others	Vs	APPELLANT
State of U.P. and Others		RESPONDENT

Date of Decision : 18-06-2002

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 156(3), 190

Citation : (2002) 2 ACR 1512

Hon'ble Judges : J.C. Gupta, J;D.R. Chaudhary, J

Bench : Division Bench

Advocate : Nigamendra Shukla, for the Appellant; A.G.A., for the Respondent

Judgement

J.C. Gupta and D.R. Chaudhary, JJ.—Heard Sri Nigamendra Shukla, learned Counsel for the Petitioners and learned A.G.A.

2. Learned Counsel for the Petitioners placed reliance on the decision of Anisa and Ors. v. State of U. P. and Anr. 2000 (2) ACR 1327: (XLI) 2000 ACC 214. It has been submitted by the learned Counsel for the Petitioners that the impugned order of Sessions Judge, Bulandshahr passed in the revision is without jurisdiction. In the aforesaid decision, the Hon"ble single Judge of this Court has taken a view that it is only the Magistrate empowered u/s 190, Criminal Procedure Code, who may order for investigation u/s 156(3), Criminal Procedure Code In that case, as the order allowing application u/s 156(3), Criminal Procedure Code and directing the police to register the case on the basis of the application and to investigate the same was passed by the learned Sessions Judge, Bulandshahr, directly, the same was held to be without jurisdiction. In the instant, case, the facts are, however, different.

3. In the instant case, learned Sessions Judge, while allowing the revision, has not issued any direction directly to police to register and investigate the case. The revisional court has issued directions to the Magistrate to pass appropriate order directing the police to register and investigate the case. In pursuance of

the order of the revisional court, the Magistrate has passed an order u/s 156(3), Criminal Procedure Code directing the police to register and investigate the case. The decision in the case of Smt. Anisa and Ors. v. State of U. P. and another is, therefore, distinguishable.

4. In any view of the matter, the Court of Magistrate is subordinate to the Court of Sessions Judge. Under the provisions of Code of Criminal Procedure, the revisional sessions court has all the powers which, may be exercised by the High Court in the revision. The submission of the learned Counsel for the Petitioners that the impugned order of the revisional court is without jurisdiction is thus devoid of any force.

5. As far as prayer for quashing the F.I.R. is concerned, no case is made out, as the allegations made therein do disclose commission of cognizable offences. Whether or not the Petitioners are in any way involved or connected with the commission of any cognizable offence, is a question which has to be looked into by the Investigating Agency. We hope and trust that the Investigating Officer shall investigate the case fairly and shall take any coercive steps against the Petitioners after verifying the genuineness and bona fides of the allegations made in the F.I.R., particularly when the F.I.R. has been lodged after a long gap of about six years.

6. With these observations, the instant writ petition is disposed of finally.