

(1987) 12 P&H CK 0036

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 4964-M of 1987

Rattan Amol Singh and anr.

APPELLANT

Vs

State of Punjab and anr.

RESPONDENT

Date of Decision : 11-12-1987

Acts Referred:

Citation : (1988) 1 AICLR 317 : (1988) 1 CurLJ 123

Hon'ble Judges : S.S.Sodhi, J

Advocate : S.S. Bains, Advocates for appearing Parties

Judgement

S.S. Sodhi, J.—The challenge in this petition under section 482 of the Code of Criminal Procedure 1973, is to the impugned order of the Chief Judicial Magistrate, Sangrur directing the registration of a case under section 406 of the Indian Penal Code against the petitioner in the purported exercise of the power vested in him under subsection (3) of section 156 of the Code of Criminal Procedure, 1973.

2. The matter here arises from a complaint filed against the petitioner by Preetinder Kaur under sections 405 and 406 of the Indian Penal Code. The trial magistrate, after recording some evidence of the respondent Preetinder Kaur, came to the finding that he was satisfied that a prima facie case against the respondents under section 406 of the Indian Penal Code existed and then proceeded thereafter to send the complaint to the Station House Officer, Police Station Sangrur, under Section 156 of the Code of Criminal Procedure, 1973, for the registration of a case against all the accused and then to investigate it. Such an order is clearly not envisaged under Section 156 of the Code. Under subsection (3) thereof all that the Magistrate is empowered to do is to order an investigation and no more. This being so, the impugned order of the Chief Judicial Magistrate, directing the registration of the case against the respondent and the registration of the case by the police as a consequence thereof are hereby quashed. The matter is accordingly now remitted to the trial court for further proceedings in accordance with law. The petition is disposed of

accordingly.

3. Parties are directed to appear before the Chief Judicial Magistrate, Sangrur on December 15, 1987.

JUDGMENT accordingly.