

**(2007) 08 P&H CK 0210**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Miscellaneous No. 76121 of 2007 in Cr. Miscellaneous No. 39492-M of 2007

Satpal

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

**Date of Decision:** Aug. 16, 2007

**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 156(3), 202, 302
- Penal Code, 1860 (IPC) - Section 120B, 201, 302, 506

**Hon'ble Judges:** M.M. Aggarwal, J

**Bench:** Single Bench

**Advocate:** Hariom Atri, for the Appellant;

**Judgement**

M.M. Aggarwal, J.

Crl. M. No. 39492-M of 2007

1. This is petition for setting aside order dated 29.5.2007 of Judicial Magistrate Ist Class, Narwana whereby the request made by the Petitioner- complainant for sending the complaint u/s 156(3) of Code of Criminal Procedure for registration of FIR, was declined and the Magistrate directed that preliminary evidence be recorded in the Court.

2. The complaint had been for the offence under Sections 302, 120-B, 506 and 201 of IPC, relating to P.S. G.R.P. Narwana. Two persons had been named in the complaint as having committed the offences.

3. Counsel for the Petitioner points out that earlier an application was made to SHO Narwana, copy Annexure P-3 and then copy Annexure P-4 was sent to SSP Hisar, but the police did not take any action. Hence this complaint was filed that Suresh had been murdered by accused mentioned in the complaint.

4. The matter is serious in nature relating to murder of son of the Petitioner namely Suresh.

Under these circumstances, it would have been proper for Judicial Magistrate 1st Class, Narwana to send the complaint to the police for registering an FIR u/s 156(3) of Code of Criminal Procedure and investigate. If not, then he should have been sent the complaint u/s 202 of Cr.P.C., for inquiry since the resources at the command of the Magistrate are limited one and it would not have been possible for him to investigate such matter of serious nature.

Under these circumstances, order dated 29.5.2007 is set aside to the extent that let matter be referred to the Police u/s 302 of Code of Criminal Procedure for inquiry and report to enable the Magistrate to proceed further.