

(2006) 05 AHC CK 0106

Allahabad High Court

Case No: Criminal Miscellaneous Application No. 5991 of 2006

Sukhveer Singh

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: May 29, 2006**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 154, 156(3)

Citation: (2006) CriLJ 4816**Hon'ble Judges:** Vinod Prasad, J**Bench:** Single Bench**Advocate:** Gaurav Kakkar, for the Appellant; A.G.A., for the Respondent

Judgement

Vinod Prasad, J.

Heard Sri Gaurav Kakkar, learned Counsel for the applicant and the learned A.G.A.

2. The applicant Sukhveer Singh is aggrieved by an order dated 6.5.2006 passed by the Second Additional Chief Judicial Magistrate, Gautam Budh Nagar on an application filed by the applicant u/s 156(3) Cr.P.C. The A.C.J.M. II, Gautam Budh Nagar was please to reject the application of the applicant u/s 156(3) Cr.P.C. on the ground that the applicant is in the knowledge of all the facts and of the witnesses therefore, the investigation is not required. A perusal of the application u/s 156(3) Cr.P.C. is specifically makes out a cognizable offence. It is the mandate of law, u/s 154 Cr.P.C., that the police will register all informations, which discloses commission of a cognizable offence. There is no scope for the police to refuse registration of any such information if given to it either orally or in writing. Learned Magistrate by refusing to direct the police to register such information has not only committed illegality but has done miscarriage of justice. The reason given by the A.C.J.M. II, Gautam Budh Nagar in the impugned order is wholly puerile and de horse the law. Consequently, at the admission stage itself I allow this application filed by the applicant and quash the order dated 6.5.2006 passed by A.C.J.M. II, Gautam Budh

Nagar on the application filed by the applicant u/s 156(3) Cr.P.C. He is directed to reconsider the application filed by the applicant u/s 156(3) Cr.P.C. in accordance with law within a period of two weeks" from today and pass a reasoned order thereon.