

Present: Sh. Bharat Bhushan Bharti, Counsel for complainant.

Complaint presented today. Heard on application filed under Section 156(3) Cr.P.C. After hearing the counsel for the complainant, this Court is of the considered view that Action Taken Report should be called from SHO concerned, in view of guidelines laid by Hon'ble Delhi High Court in respect of invoking provisions of sections 156(3) Cr.P.C. in Subhkarn Luharuka Vs. State 170 (2010) DTL 516. By this Hon'ble High Court in para no. 52(A), the guidelines have been summarized as under:- 52(A). For the guidance of subordinate Courts, the procedure to be followed while dealing with an application under Section 156(3) of Cr.P.C. is summarized as under:

- (i) Whenever Magistrate is called upon to pass orders under Section 156(3) of the Code, at the outset, the Magistrate should ensure that power before coming to the Court, the complainant did approach the police officer incharge of the police station having jurisdiction over the area for recording the information available with him disclosing the commission of a cognizable offence by the person/persons arrayed as an accused in the complaint. It should also be examined what action was taken by the SHO,
- (ii) Or even by the Senior Officer of the Police, when approached by the complainant under Section 154 (3) of the Code.
- (iii) The Magistrate should then from his own opinion whether the facts mentioned in the complaint disclosed commission of cognizable offences by the accused person arrayed in the complaint which can be tried in his jurisdiction.

In view of the above discussion, let Action Taken Report be sought from the SHO concerned for 01.08.2024.

Date of Order: 07.06.2024

Ginni, Rani SG.III

(Rupam)
JMFC/Gurugram
UID No. HR0557