

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 5990/2025

Abbas Ali S/o Shri Moinuddin, Aged About 40 Years, R/o Bheelo
Ka Vaas Chhavani Sheoganj Tehsil Sheoganj District Sirohi

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Editor Morning News, A-9-10 Industrial Area
Sudershanpura Bais Godam Jaipur
3. Reporter, Morning News Sheoganj District Sirohi

-----Respondents

For Petitioner(s) : Mr. Rakesh Arora

For Respondent(s) : Mr. Prem Singh Panwar, PP

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

27/08/2025

The instant Misc. Petition has been filed by the petitioner against the unscrupulous proceedings undertaken by the Judicial Magistrate by not sending the complaint under Section 156(3) of the Cr.P.C. even when the bare perusal of the FIR discloses commission of the cognizable offence.

Learned counsel for the petitioner submits that the learned Judicial Magistrate has acted in most casual and cavalier manner in not sending the complaint under Section 156(3) of the Cr.P.C. despite the fact that the perusal of the complaint discloses commission of cognizable offence. He submits that instead of sending the matter to the police to lodge complaint under Section 154 of the Cr.P.C., the learned Magistrate has kept the complaint with him since long and no effective order has been passed. He

submits that the inaction on the part of the learned Judicial Magistrate is quite contemptuous in view of the judgment passed by the Hon'ble Supreme Court in ***Lalita Kumari Vs. State of U.P. (2014) 2 SCC Pg.1.***

It is very serious issue. As per the mandate of law contained in Section 154 of the Cr.P.C. as well as the guiding principle enunciated by the Hon'ble Apex Court in the judgment referred (supra) whenever a complaint is being submitted to the Judicial Magistrate disclosing commission of cognizable offence, he has left with no other option except to send it to the concerned police station for lodging of the FIR, however, at this stage, this Court has not been apprised by the learned Public Prosecutor that what were the circumstances under which the learned Magistrate was constrained to keep the matter pending with him instead of sending it to the police station.

In this view of the matter, let an explanation be summoned from the learned Judicial Magistrate as to why the complaint has been kept in abeyance instead of sending the same to the police under Section 156(3) of the Cr.P.C. despite the fact that the bare perusal of the complaint discloses commission of a cognizable offence.

Learned Public Prosecutor is directed to summon proceedings, if any, undertaken by the police at the behest of the same complainant in any police station.

List the matter on 20.09.2025.

(MUKESH RAJPUROHIT),J