



2026:PHHC:066103

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5533-2022

Reserved on:-22.04.2026

Pronounced on:-29.04.2026

Uploaded on:- 29.04.2026

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

SATPAL SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Gaurav Datta, Advocate and
Mr. KPS Dhaliwal and Mr. Raghav Grover, Advocates
for the petitioner.

Mr. Sahil Chowdhary, AAG, Punjab.

Mr. Prashant Bansal, Advocate
for respondent No.2.

MANDEEP PANNU, J.

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of the impugned order dated 18.08.2021 (Annexure P-6) passed by the learned Judicial Magistrate First Class, Rajpura in Complaint No. COMI-91-2018, dated 05.11.2018, filed under Sections 420, 467, 468, 471, 465, 384 and 120-B of the Indian Penal Code, titled as "*Jeet Ram Vs. Satpal and others*", whereby directions were issued for registration of an FIR under Section 156(3) Cr.P.C. Pursuant thereto, consequential FIR No. 213 dated 23.09.2021, under Sections 465,



468, 471 and 473 IPC, came to be registered at Police Station City Rajpura, District Patiala. Through the present petition, the petitioner also seeks quashing of the aforesaid FIR and all consequential proceedings arising therefrom qua him, on the ground that the impugned order is illegal, without jurisdiction and not sustainable in the eyes of law.

2. Briefly stated, the case of the complainant was that he had obtained an electricity connection of 15 BHP bearing Connection No. 3000730500 for running his Atta Chakki and Rice Mill and had been using the same for the last about 35 years. It was alleged that accused No.1 namely Satpal, in connivance with the other accused persons, got the ownership of the aforesaid electricity connection transferred in his name by submitting forged and fabricated documents before the authorities of PSPCL. The complainant specifically alleged that he had never executed any document nor signed any paper for transfer of the said electricity connection in favour of accused No.1. In support of the complaint, the complainant Jeet Ram stepped into the witness box as CW-2 and reiterated the allegations levelled in the complaint. He also produced on record the alleged forged agreement dated 08.04.2018. The complainant further examined Mohinderjeet Singh Chauhan, Advocate-cum-Notary Public, Rajpura, as CW-2, who deposed that the agreement dated 08.04.2018 (Ex. C-17) had not been attested by him. The complainant also placed on record copy of the plaint of a civil suit titled as "*Jeet Ram Vs. Satpal and others*" (Ex. C-21), wherein he had sought declaration and mandatory injunction against the accused persons with regard to the aforesaid electricity connection of the flour mill.



After considering the averments made in the complaint as well as the preliminary evidence led by the complainant, the learned Judicial Magistrate First Class, Rajpura, vide impugned order dated 18.08.2021, observed that from the allegations contained in the complaint, commission of offences punishable under Sections 465, 468, 471 and 473 IPC was *prima facie* made out against accused No.1-Satpal. The learned Magistrate further noticed that although the complainant had approached the Court under Chapter XV Cr.P.C., and not under Chapter XII Cr.P.C., however, relying upon the judgment of the Hon'ble Supreme Court in *Vinubhai Haribhai Malaviya Vs. State of Gujarat, (2019) 17 SCC 1*, held that the powers of the Magistrate under Section 156(3) Cr.P.C. could be invoked even at a post-cognizance stage. The learned Magistrate further observed that it was surprising as to how PSPCL had transferred the electricity connection merely on the basis of the agreement dated 08.04.2018 without even calling the original owner of the connection, thereby allegedly violating principles of natural justice. It was further held that the matter required investigation by the police to ascertain the role of PSPCL officials and to verify whether all statutory formalities had been complied with while effecting the transfer of the electricity connection. Consequently, the learned Magistrate directed the SHO, Police Station City Rajpura, to register an FIR against accused No.1-Satpal under Sections 465, 468, 471 and 473 IPC, and submit compliance report before the Court. Pursuant thereto, FIR No. 213 dated 23.09.2021 came to be registered.



3. Learned counsel for the petitioner has vehemently contended that the learned Judicial Magistrate Ist Class gravely erred in law while invoking powers under Section 156(3) Cr.P.C. after having already taken cognizance of the complaint and proceeded under Chapter XV of the Code. It is argued that once a private complaint was filed under Section 200 Cr.P.C. and the complainant chose to lead preliminary evidence in support thereof, the Magistrate was required to proceed strictly in accordance with the procedure contemplated under Sections 200 to 204 Cr.P.C., i.e. either to dismiss the complaint under Section 203 Cr.P.C. or to summon the accused under Section 204 Cr.P.C., if sufficient grounds were found to proceed. It is submitted that after recording preliminary evidence, the learned Magistrate had become *functus officio* insofar as recourse to Section 156(3) Cr.P.C. was concerned and could not have directed registration of an FIR at that stage. It has further been argued that the impugned order itself reflects that the learned Magistrate had heard counsel on the point of summoning of the accused persons and, therefore, the stage before the Court was clearly one governed by Chapter XV of the Code and not by Chapter XII relating to police investigation. Learned counsel submits that neither in the complaint nor during the course of preliminary proceedings was any prayer made seeking registration of an FIR and, therefore, there was no occasion for the Magistrate to convert a complaint case into a police case by directing registration of FIR. Learned counsel for the petitioner has further argued that the reliance placed by the learned Magistrate upon the judgment of the Hon'ble Supreme Court in *Vinubhai Haribhai Malaviya versus State of*



Gujarat, (2019) 17 SCC 1 was wholly misplaced inasmuch as the legal issue involved in the said case was entirely distinct. It is submitted that in *Vinubhai Haribhai Malaviya's case (supra)*, the Hon'ble Supreme Court was considering the limited question as to whether a Magistrate, in a case already instituted on a police report, possesses the power to direct further investigation after submission of the report under Section 173(2) Cr.P.C. and till what stage such power could be exercised. The petitioner contends that the said judgment dealt with the scope of Sections 156(3), 173(8) and further investigation in a matter already set into motion through police machinery, whereas the present matter arose out of a private complaint instituted under Section 200 Cr.P.C., where preliminary evidence had already been recorded and the matter was at the stage of consideration of summoning. It is thus argued that the ratio of *Vinubhai Haribhai Malaviya's case (supra)* has been incorrectly extended to a situation not contemplated therein, as the said judgment nowhere lays down that after taking cognizance upon a private complaint and recording preliminary evidence under Chapter XV Cr.P.C., a Magistrate can direct registration of a fresh FIR. According to the petitioner, the impugned order amounts to creating a procedure unknown to the Code by blending the mechanism of complaint proceedings under Sections 200 to 204 Cr.P.C. with the investigative powers contemplated under Chapter XII. On the strength of the aforesaid submissions, learned counsel for the petitioner has contended that the impugned order dated 18.08.2021 directing registration of FIR and the consequential FIR registered pursuant thereto are



without jurisdiction, contrary to the statutory scheme of the Code and, therefore, liable to be quashed.

4. Per contra, learned State counsel, assisted by learned counsel appearing on behalf of respondent No.2/complainant, has opposed the present petition and submitted that no illegality or perversity can be attributed to the impugned order passed by the learned Judicial Magistrate Ist Class, Rajpura. It has been argued that the allegations levelled in the complaint, coupled with the preliminary evidence led by the complainant, clearly disclosed commission of cognizable offences relating to forgery and use of forged documents. Learned counsel submits that respondent No.2 specifically alleged that petitioner-accused got the electricity connection of the flour mill transferred in his favour by relying upon a forged agreement dated 08.04.2018 and the said allegations stood duly supported from the statements recorded during preliminary evidence. It is further argued that even the Notary Public, who appeared as a witness, stated that the alleged agreement had not been attested by him, thereby lending *prima facie* support to the allegations of forgery. Learned counsel has further contended that the learned Magistrate rightly noticed that the matter required a deeper probe, particularly with regard to the role of officials of PSPCL in transferring the electricity connection without associating the original consumer and without verifying the authenticity of the documents relied upon for such transfer. It is submitted that such aspects could not have been effectively examined in complaint proceedings and required collection of evidence by the investigating agency. It has further been argued that the learned Magistrate



rightly relied upon the judgment of the Hon'ble Supreme Court in *Vinubhai Haribhai Malaviya's case (supra)*, while observing that the powers of the Magistrate under Section 156(3) Cr.P.C. are wide in nature and can be exercised even at a post-cognizance stage in appropriate circumstances to ensure a fair and proper investigation. Learned State counsel, assisted by counsel for respondent No.2, has thus contended that since the allegations disclosed a larger conspiracy and possible involvement of public officials, the learned Magistrate was fully justified in directing registration of FIR so that a comprehensive investigation could be conducted. On the strength of the aforesaid submissions, prayer has been made for dismissal of the present petition.

5. This Court has given thoughtful consideration to the rival submissions and has perused the record with their able assistance. The short legal issue which arises for consideration in the present petition is whether after a private complaint had already been filed under Section 200 Cr.P.C., and the complainant had chosen to lead preliminary evidence in support thereof, the learned Magistrate, after recording such evidence and proceeding under Chapter XV of the Code, could still direct registration of an FIR by invoking powers under Section 156(3) Cr.P.C. A perusal of the record reveals that respondent No.2 had consciously invoked the jurisdiction of the learned Magistrate by filing a private complaint under Section 200 Cr.P.C. The complainant thereafter stepped into the witness box as CW-1 and reiterated the allegations levelled in the complaint. He also examined Mohinderjeet Singh Chauhan, Notary Public, as CW-2 in support of his



allegations and placed documentary evidence on record. Thus, the complainant had already elected to proceed under Chapter XV of the Code and the learned Magistrate had also embarked upon the procedure contemplated under Sections 200 to 203 Cr.P.C. by recording preliminary evidence for determining whether sufficient grounds existed for summoning the accused. Once a Magistrate proceeds to examine the complainant and his witnesses under Section 200 Cr.P.C., it clearly indicates that cognizance of the complaint has already been taken. At that stage, the Magistrate is required either to dismiss the complaint under Section 203 Cr.P.C. if no sufficient grounds are found, or to issue process under Section 204 Cr.P.C. if a prima facie case is made out. The statutory scheme does not contemplate that after adopting the procedure under Chapter XV and after recording evidence of the complainant, the Magistrate may revert back and invoke powers under Section 156(3) Cr.P.C. for directing registration of an FIR as if the matter was still at a pre-cognizance stage. The reliance placed by the learned Magistrate upon *Vinubhai Haribhai Malaviya's case (supra)*, was clearly misplaced. The issue before the Hon'ble Supreme Court in the said case was entirely different, namely, whether a Magistrate has the power to order further investigation after submission of a police report under Section 173 Cr.P.C. and till what stage such power can be exercised. The said judgment dealt with the scope of further investigation in a case already instituted on a police report and cannot be read to confer unrestricted power upon a Magistrate to direct registration of an FIR after having already proceeded with a complaint case under Sections 200 to 204 Cr.P.C. The



learned Magistrate, therefore, misapplied the ratio of the aforesaid judgment to a fact situation to which it had no application.

6. On the contrary, the judgment of the Hon'ble Supreme Court in *Suresh Chand Jain versus State of M.P. and another (2001) 2 SCC 628* squarely governs the controversy involved in the present case. The Hon'ble Supreme Court therein clearly held that a Magistrate may direct investigation under Section 156(3) Cr.P.C. before taking cognizance of the offence, and if such course is adopted, the Magistrate is not required to examine the complainant on oath. It was further held that once the Magistrate takes cognizance and proceeds under Chapter XV of the Code, the investigation contemplated under Section 202 Cr.P.C. is of a limited nature only to assist the Magistrate in deciding whether sufficient grounds exist for proceeding further. The distinction between pre-cognizance powers under Section 156(3) Cr.P.C. and post-cognizance procedure under Sections 200 to 202 Cr.P.C. has been clearly delineated in the aforesaid judgment. In the present case, the learned Magistrate had already examined the complainant and his witness, appreciated the preliminary evidence and thereafter, instead of passing an order under Sections 203 or 204 Cr.P.C., directed registration of FIR. Such course adopted by the learned Magistrate is not envisaged under law and amounts to mixing two distinct statutory procedures under separate chapters of the Code.

7. Accordingly, this Court is of the considered view that the impugned order dated 18.08.2021 passed by the learned Judicial Magistrate



Ist Class, Rajpura cannot be sustained in the eyes of law and is hereby set aside.

8. Consequently, FIR No.213 dated 23.09.2021 registered pursuant thereto at Police Station City Rajpura is also quashed. The matter is remanded back to the learned trial Court to proceed afresh from the stage at which the complaint was pending and to pass an appropriate order in accordance with law under the provisions of Chapter XV of the Code, uninfluenced by any observations made hereinabove.

9. All pending applications, if any, also stand disposed of.

29.04.2026

Anu

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No