

Perused instant application. Heard argument advanced by adv. of complainant.

2. Facts of the case at hand -

Instant application is filed seeking directions u/sec 156(3) Cr.P.C. to investigate into offences punishable u/sec 309, 427, 160, 143, 147, 145, 144, 148, 149, 448, 452, 499, 504 & 506 r/w 34 of I.P.C. Allegations are levelled against accused no. 1 wife, accused no. 2 father-in-law and accused no. 3 brother-in-law all levelled in instant application. Instant application supported by Affidavit, contends that accused no. 1 wife, accused no. 2 father-in-law and accused no. 3 brother-in-law on date of incident that 31.7.2021 came into the society of complainant. Accused no. 1 to 3 rang door bell many times but complainant did not open the door. Accused no. 1 to 3 gave kick blows on the door but since the door was not opened, accused no. 1 to 3 went down stairs in the premises of the society. Accused no. 1 called for key-master with intention to commit house trespass. Accused no. 1 gave verbal abuses to complainant and his family, and threatened to commit suicide and kill her minor son. Accused no. 3 with a hammer in hand threatened complainant and his family members of dire consequences. Accused no. 1 threw a stone on the car of the complainant and smashed the glass window of his car.

3. It is argued that mandatory compliance of provision u/sec 154 Cr.P.C. is fulfilled. It is prayed that Police may be directed to initiate action u/sec 156(3) Cr.P.C.

4. It is well settled position of law that Magistrate has to apply judicial mind to facts of the case at hand. This is a case of matrimonial dispute between complainant and accused no. 1. The allegations levelled against accused no. 1 to 3 does not spell out the necessity of police investigation in this matter. In my view this is not a fit case for issuing direction u/sec 156(3) Cr.P.C. However, I am of the opinion that instant application can be treated as private complaint. Hence, matter complainant is at liberty to proceed u/sec 200 Cr.P.C.

Suganti
8.4.22