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**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
ABHAY S. OKA; J., UJJAL BHUYAN; J.**

CRIMINAL APPEAL NO.4313 OF 2024; March 06, 2025

RANJIT SINGH BATH & ANR. *versus* UNION TERRITORY CHANDIGARH & ANR.

Code of Criminal Procedure, 1973; Section 156 (3) - Before a complainant chooses to adopt a remedy under Section 156(3) of the CrPC, he must exhaust his remedies under sub-Sections (1) and (3) of Section 154 of the CrPC and he must make those averments in the complaint and produce the documents in support. (Para 8)

For Appellant(s): Mr. Surjit S.Swaitch, Adv. Ms. Deepa Negi, Adv. Mr. Pritpal Singh Swatch, Adv. Mr. Rajat Sharma, Adv. Mr. Subhasish Bhowmick, AOR

For Respondent(s): Mr. Kanu Agrawal, Adv. Mr. Varun Chugh, Adv. Mr. Bhuvan Kapoor, Adv. Mr. Shreekanth Neelappa Terdal, AOR Mr. D.P Singh, Sr. Adv. Ms. Sonam Gupta, AOR Mr. Manu Mishra, Adv. Ms. Garima Saxena, Adv. Mr. Iman Khera, Adv.

ORDER

Heard the learned counsel appearing for the appellants and the learned senior counsel appearing for the second respondent-complainant.

2. On the basis of a complaint filed by the second respondent invoking Section 156(3) of the Code of Criminal Procedure, 1973 (for short, "the CRPC"), an order was passed by the learned Judicial Magistrate on 14th June, 2017 directing the concerned Police Station to register a First Information Report for the offences punishable under Section 420 and 120-B of the Indian Penal Code, 1860 (for short, "the IPC"). The order of the learned Magistrate was challenged by filing a quashing petition before the High Court of Punjab and Haryana at Chandigarh. The High Court has dismissed the quashing petition by the impugned order.

3. The learned counsel appearing for the appellants relies upon a decision of this Court in the case of *Mrs. Priyanka Srivastava and Anr. v. State of U.P. & Ors.*¹ He invited out attention to what is held in paragraph 27 of the said decision. He also relied upon a decision of this Court in the case *Babu Venkatesh & Ors. v. State of Karnataka & Anr.*² which follows the decision in the case of *Priyanka Srivastava*¹.

4. The learned senior counsel appearing for the second respondent states that though there is no specific averment regarding compliance with the requirements of sub-Sections (1) and (3) of Section 154 of the CRPC, in substance, the compliance has been made. He pointed out that in paragraph 14 of the complaint, it is stated that a written complaint was addressed to the Inspector General of Police, Chandigarh which was marked to the Economic Offences Wing of Chandigarh Police for inquiry under order dated 29th January, 2014. He accepts that there is no specific averment that a recourse was taken to Section 154(3) of the CRPC.

5. We have carefully perused the decision of this Court in the case of *Priyanka Srivastava*¹. This Court has noted that there was misuse of the provisions of subSection (3) of Section 156. In paragraphs 30 and 31, this Court held thus:

"30. In our considered opinion, a stage has come in this country where Section 156(3) CrPC applications are to be supported by an affidavit duly sworn by the applicant who seeks the

¹ (2015) 6 SCC 287

² (2022) 5 SCC 639

invocation of the jurisdiction of the Magistrate. That apart, in an appropriate case, the learned Magistrate would be well advised to verify the truth and also can verify the veracity of the allegations. This affidavit can make the applicant more responsible. We are compelled to say so as such kind of applications are being filed in a routine manner without taking any responsibility whatsoever only to harass certain persons. That apart, it becomes more disturbing and alarming when one tries to pick up people who are passing orders under a statutory provision which can be challenged under the framework of the said Act or under Article 226 of the Constitution of India. But it cannot be done to take undue advantage in a criminal court as if somebody is determined to settle the scores.

31. We have already indicated that there has to be prior applications under Sections 154(1) and 154(3) while filing a petition under Section 156(3). Both the aspects should be clearly spelt out in the application and necessary documents to that effect shall be filed. The warrant for giving a direction that an application under Section 156(3) be supported by an affidavit is so that the person making the application should be conscious and also endeavour to see that no false affidavit is made. It is because once an affidavit is found to be false, he will be liable for prosecution in accordance with law. This will deter him to casually invoke the authority of the Magistrate under Section 156(3). That apart, we have already stated that the veracity of the same can also be verified by the learned Magistrate, regard being had to the nature of allegations of the case. We are compelled to say so as a number of cases pertaining to fiscal sphere, matrimonial dispute/family disputes, commercial offences, medical negligence cases, corruption cases and the cases where there is abnormal delay/laches in initiating criminal prosecution, as are illustrated in *Lalita Kumari* are being filed. That apart, the learned Magistrate would also be aware of the delay in lodging of the FIR."

(underlines supplied)

6. Section 154 of the CRPC reads thus:

"154. Information in cognizable cases.

(1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf:

[Provided that if the information is given by the woman against whom an offence under section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer: Provided further that--

(a) in the event that the person against whom an offence under section 354, section 354A, section 354B, section 354C, section 354D, section 376, 2[section 376A, section

376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB], section 376E or section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be video graphed;

(c) the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of sub-section (5A) of section 164 as soon as possible.] ;

(2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant. (3) Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence."

7. The requirement of sub-Section (1) of Section 154 is that information regarding commission of a cognizable offence has to be furnished to an officer In-charge of a Police Station. In this case, obviously, the said compliance was not made. It is stated that the Inspector General of Police forwarded a complaint to the Economic Offences Wing. Sub-Section (3) of Section 154 comes into picture only when after a complaint is submitted to the Officer In-charge of Police Station or information is provided to the Officer In-charge of Police Station regarding commission of a cognizable offence, the Officer In-charge refuses or neglects to register First Information Report.

8. Sub-Sections (1) and (3) of Section 154 of the CRPC are the two remedies available for setting the criminal law in motion. Therefore, this Court held that before a complainant chooses to adopt a remedy under Section 156(3) of the CRPC, he must exhaust his remedies under sub-Sections (1) and (3) of Section 154 of the CRPC and he must make those averments in the complaint and produce the documents in support. However, in this case, the second respondent did not exhaust the remedies. In this view of the matter, we find that both the learned Magistrate and the High Court have completely ignored the binding decision of this Court in the case of *Priyanka Srivastava*¹.

9. We, therefore, quash and set aside both the impugned orders and quash and set aside all the further steps taken on the basis of order dated 14th June, 2017 passed by the learned Judicial Magistrate.

10. We make it clear that we have made no adjudication on the allegations made by the second respondent. The second respondent is free to take recourse to the remedies under Section 154 of the CRPC in accordance with law.

11. Subject to what is observed above, the appeal is allowed.