

VERDICTUM.IN

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 838/2024
(Arising out of SLP(Crl) No. 7250/2023)

FERAN SINGH

Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondent(s)

WITH

CRIMINAL APPEAL NO. 839/2024
(Arising out of SLP(Crl) No. 11610/2023)

Leave granted.

2. These appeals are directed against the selfsame order dated 08.05.2023 passed by the High Court of Madhya Pradesh at Gwalior in MCRC No. 53234 of 2022.

3. The *de facto* complainant is the appellant in the former appeal and the latter appeal has been filed by the accused persons.

4. Heard learned counsel on both sides and the learned counsel appearing for the State.

5. The factual position is that pursuant to the complaint filed by the appellant in the former appeal on 11.10.2022, learned Magistrate forwarded the same for report on the same day itself and posted the matter to 20.10.2022. As per the order dated 20.10.2022 the matter was posted to 31.10.2022. Evidently, on 31.10.2022, an application was filed by the Investigating Agency seeking

additional time stating that the investigation was yet to be completed. The order would reveal that upon forming an opinion that also the absence of any justification in seeking additional time the complainant was heard and the application was taken up for orders. That was challenged before the High Court in MCRC No. 53234/2022 which culminated in the impugned order. This Court passed an order on 30.06.2023 that no further steps shall be taken based on the impugned order.

6. With respect to the question whether the investigation is complete by now, no answer is forthcoming even from the counsel for the State. While the counsel for the appellant in the former appeal claims that the investigation is complete, we see that even in the affidavit filed by the respondent State on 02.12.2023, what is stated that the investigation is still going on and efforts would be made to complete the investigation. It is a fact that complaint is filed by the appellant in the former appeal on 11.10.2022 alleging commission of various offences under the Indian Penal Code. In terms of Section 156(3) of the Code of Criminal Procedure (Cr.P.C.), virtually, it was forwarded to the police for investigation. There cannot be any doubt with respect to the position that when the allegation in the complaint is with respect to commission of offence(s) triable by Court of Sessions it would be proper for the Magistrate to order for investigation under Section 156 (3), Cr.P.C. instead of conducting the enquiry by himself. That is exactly, what was originally ordered by the learned Magistrate. In the contextual situation, it is only appropriate to refer to the decision of this Court in *Hemant*

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Yashwant Dhage v. State of Maharashtra [(2016) 6 SCC 273]. It was held therein that to enable the police to start investigation, it was open to the Magistrate to direct the police to register an FIR and even where a Magistrate did not do so in explicit words but directed for investigation under Section 156 (3) of the Code, the police should register an FIR as Section 156 falls within Chapter XII Cr. P.C., which deals with powers of the police officers to investigate cognizable offences, the police officer concerned would always be in a better position to take further steps as contemplated in Chapter XII once an FIR is registered in respect of the concerned cognizable offence. Once an FIR is so registered, it is mandatory for the investigating agency to file a report in accordance with law Section 173 (2), Cr.P.C. before the Court concerned.

7. Learned counsel appearing for the State seeks for a month's time to complete the investigation and to file report. We are of the considered view that taking note of the nature of the offences alleged, the said submission made on behalf of the State cannot be said to be unreasonable and in such circumstances, the time sought for is granted and the investigation shall be completed expeditiously, and the report in terms of the provisions under Section 173(2) Cr.P.C. shall be filed before the court concerned.

8. Further proceedings, after filing of the report, shall be taken by the learned Magistrate, in accordance with law. The impugned order stands modified to the above extent.

9. The appeals are disposed of.

10. Pending application(s), if any, stands disposed of.

.....J.
(C.T. RAVIKUMAR)

.....J.
(RAJESH BINDAL)

**NEW DELHI;
FEBRUARY 13, 2024**

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ITEM NO.21

COURT NO.13

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 7250/2023

(Arising out of impugned final judgment and order dated 08-05-2023
in MCRC No. 53234/2022 passed by the High Court Of M.P. At Gwalior)

FERAN SINGH

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondent(s)

**(IA No.114987/2023-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES**

IA No. 150845/2023 - EXEMPTION FROM FILING O.T.

WITH SLP(Crl) No. 11610/2023 (II-A)

Date : 13-02-2024 These petitions were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL**

For Petitioner(s) Mr. S.K.Gangele, Sr. Adv.
Ms. Priya Sharma, Adv.
Mr. Prathvi Raj Chauhan, Adv.
Mr. Arjun Sain, Adv.
Ms. Shashi Kiran, AOR

Mr. Triloki Nath Razdan, AOR
Mr. Prashant Shukla, Adv.
Mrs. Anushree Shukla, Adv.
Ms. Pratibha Yadav, Adv.
Mr. Akash Bhushan, Adv.

For Respondent(s) Mr. Yashraj Singh Bundela, AOR
Mr. Pawan, Adv.
Ms. Jyoti Verma, Adv.
Mr. Chanakya Baruah, Adv.

Mr. S.K.gangele, Sr. Adv.
Ms. Priya Sharma, Adv.
Mr. Prathvi Raj Chauhan, Adv.
Ms. Shivani Jain, Adv.
Ms. Shashi Kiran, AOR

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UPON hearing the counsel the Court made the following
O R D E R

The appeals are disposed of, in terms of the signed order,
placed on the file.

Pending application(s), if any, stands disposed of.

(DR. NAVEEN RAWAL)
ASTT. REGISTRAR-cum-PS

(MATHEW ABRAHAM)
COURT MASTER (NSH)