

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
BEFORE  
HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA  
ON THE 2<sup>nd</sup> OF MAY, 2024  
MISC. CRIMINAL CASE No. 40432 of 2023**

**BETWEEN:-**

MANOHAR SINGH S/O LATE SHRI  
HARIRAM HARISINGH, AGED ABOUT 45  
YEARS, OCCUPATION: AGRICULTURIST  
R/O VILLAGE PANARI TAH. PIPARIA  
DISTT. NARMADAPURAM (MADHYA  
PRADESH)

.....APPLICANT

(*BY SHRI DEVENDRA KUMAR TRIPATHI - ADVOCATE*)

**AND**

1. KU. NISHITA THAKUR D/O SHRI  
KUBER SINGH THAKUR PURVIYA  
R/O GADARVAASS TAH BADI DISTT.  
RAISEN (MADHYA PRADESH)
  
2. GOPAL PURVIYA S/O SHRI  
DULICHAND PURVIYA, AGED  
ABOUT 60 YEARS, R/O GADARVAAS  
TAH. GADARVA TAH. BADI DISTT.  
(MADHYA PRADESH)
  
3. RAMJEE THAKUR S/O SHRI  
HARISHANKAR THAKUR  
(PURVIYA), AGED ABOUT 28 YEARS,  
R/O GADARVAAS TAH. GADARVA  
TAH. BADI DISTT. (MADHYA  
PRADESH)
  
4. SANTOSH KUMAR S/O SHRI  
LAXMAN SINGH PURVIYA, AGED

**ABOUT 38 YEARS, R/O GADARVAAS  
TAH. GADARVA TAH. BADI DISTT.  
(MADHYA PRADESH)**

- 5. RAKESH KUMAR THAKUR S/O SHRI  
VARSH PURVIYA, AGED ABOUT 26  
YEARS, R/O GADARVAAS TAH.  
GADARVA TAH. BADI DISTT.  
(MADHYA PRADESH)**
  
- 6. STATE OF M.P. THROUGH STATION  
HOUSE OFFICER P.S BARELI DISTT.  
RAISEN (MADHYA PRADESH)**

**.....RESPONDENTS**

***(SHRI MOHAN SAUSARKAR – GOVERNMENT ADVOCATE FOR THE  
RESPONDENT/STATE)***

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*This application coming on for admission this day, the court passed  
the following:*

**ORDER**

This application under Section 482 of Cr.P.C. has been filed seeking  
following relief(s):-

“It is, therefore, most humbly prayed that  
this Hon'ble Court may kindly pleased to direct the  
trial court learned JMFC, Bareli Distt. Raisen  
(Harshita Singar) to conclude the proceeding for  
registration of complaint case U/s 200 of Cr.P.C.,  
case no. UNCR/53/2021 (CNR-  
MP38030012712021) pending since last more than  
2 year may be pleased to conclude within 3 further  
period of 3 month in the interest of justice and pass  
such other order as deem fit under the facts and  
circumstance of the case.”

2. It is submitted by counsel for the applicant that the complaint case filed by the applicant is still pending for registration and accordingly, the Magistrate concerned may be directed to expedite the hearing of the case on the question of registration of complaint.

3. The submission made by the counsel for applicant is squarely covered by the order dated 16.4.2024 passed by this Court in the case of **Shanti Devi Agrawal Vs. The State of M.P. and others** in **M.Cr.C.No.4382/2024** in which the following order was passed :-

“This petition under Section 482 of Cr.P.C. has been filed seeking following relief(s):-

*“It is, therefore, prayed that this Hon'ble Court may kindly be pleased to direct to decide complaint case UNCR No. 4404/2021 Shanti Dev Agrawal Vs. Jitesh Nishine and others in the Court of Heera Lal Alawa, Judicial Magistrate First Class, Bhopal Annexure A-2, to meet the justice.”*

2. A Coordinate Bench of this Court in the case of **Om Prakash Sharma vs. State of M.P.** reported in **AIR Online 2021 MP 269** has held as under:-

“20. To resolve this situation, following guiding principles are laid down in cases of simultaneous filing of Sec.156(3) application and Sec.200 complaint:-

(i) As regards Sec.156(3) Cr.P.C. application (alleging only non-registration of FIR), the procedure as per para 15.(4)(A) be followed.

(ii) The Police qua Sec.156(3) Cr.P.C. application (alleging improper/delayed investigation simpliciter or along with non

registration of FIR) should not be granted more than 60/90 days or any longer period of time statutorily prescribed.

(iii) If the Police submits the report within 60/90 days or any longer period of time statutorily prescribed, then the Magistrate may pass appropriate directions in accordance with law to either dismiss/dispose of 156(3) application with/without directions by passing a speaking order or to supervise and monitor the investigating process if need arises.

(iv) However, in case the Police fails to submit report within 60/90 days or any longer period of time statutorily prescribed, then the Magistrate shall proceed with the complaint u/S.200 Cr.P.C. in accordance with Chapter XV and XVI Cr.P.C., notwithstanding the bar in Sec.210 Cr.P.C.

(v) While so proceeding under Chapter XV and XVI Cr.P.C., the Magistrate shall keep in mind that as and when police report u/S.173 Cr.P.C. is filed [even after 60/90 days or any longer period of time statutorily prescribed] and cognizance of offence in police report is taken, then the Magistrate shall club the complaint case with the charge-sheet (final report) filed by police and proceed to adjudicate both the cases together treating them to have arisen from police report.”

6. Accordingly, this petition is also **disposed of** in the terms and conditions of the order passed by a Coordinate Bench of this Court in the case of **Om Prakash** (supra).

6. Accordingly, this application is also **disposed of** in the terms and conditions of the order passed by this Court in the case of **Shanti Devi Agrawal (supra)**.

**(G.S. AHLUWALIA)**  
**JUDGE**

TG/-