

105 CRM-357-2023 in/and  
CRM-M-453-2023

**CHARANJIT SINGH@CHANNI VS STATE OF PUNJAB**

Present: Mr. Bipan Ghai, Senior Advocate with  
Mr. Nikhil Ghai, Advocate with  
Mr. Deepanshu Mehta, Advocate and  
Mr. Prabhdeep Singh Bindra, Advocate  
for the applicant/petitioner.

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Learned Senior counsel for the applicant/petitioner contends that no Court can take cognizance of an offence punishable under Section 188 IPC, except on the complaint in writing made by a public servant concerned or of some other public servant to whom he is administratively subordinate. The cognizance has been taken by the trial Court on presentation of challan on 21.06.2022 and the petitioner has received summons to appear before the trial Court on 12.01.2023.

Learned Senior counsel for the applicant/petitioner relies upon pendency of CRM-M No.59436 of 2022 which is fixed for 20.02.2023.

In terms of Section 2 (d) Cr.P.C, the complaint means any allegation made orally or in writing to a Magistrate, with a view to his taking action under the Code, that some person, whether known or unknown, has committed any offence, but does not include a police report. Similarly under Section 2(r) Cr.P.C., police report means a report forwarded by a police officer to the Magistrate under Sub-Section (2) of Section 173.

