

How to file complaint under s-200 CRPC?

S-200 examination of complaint

Complaint is defined under section 2(d)

Complaint simply means allegation made by complainant in front of magistrate and not to police so that he can take action accordingly.

It is different from police report -173(2) and if by mistake they found it is non cognizable offence in which they are dealing from that point of time it will be considered as complaint.

Essential of section 2(d)

- * Allegation
- * by complainant
- * in front of magistrate

Now the question is who can be a complainant?

First of all complainant simply means who can complain.

Now, the question is who can complaint

Generally, it is considered that the person who is aggrieved or the person against whom the Offence is committed will complaint

But this is not whole truth now here the concept of locus standi will not work and any person can file complaint who is aware of facts and situation. (A.R Antulay vs R.S Nayak)

MAGISTRATE- Defined under section - 12 of crpc - which is appointed by the high court to be chief judicial magistrate .

Procedure

*complaint can be orally or in writing.

Step

- 1.An aggrieved will move to magistrate.

2. Then magistrate will take cognizance after looking at the whole matter.

Power of magistrate

1- he will take cognizance under section- 190

2 he can also dismiss under section- 203

3 he can send summon and warrant - 202

4. order for investigations- 156(3)

[15/04, 1:28 pm] Anchal Singh: Difference btw- 156(3) and 200

156(3) Power of magistrate u/s 190 to order for investigating in which aggrieved moved to magistrate and not to police then magistrate has the power to order for proper investigation by the police.

Dismissal

As- 203 he can also dismiss the complaint if found after inquiry or investigation _ no ground for proceeding

Issue of process - 202

As the case may be, he will send summon or warrant.

When magistrate not competent

He will either return that to the proper court if in writing

If in oral form then direct the complainant to go to proper court.

Format

In the court of the magistrate at_____

Complaint case no._____of_____

In the matter of

Complainant

Address_____

Vs

Accused

Address_____

Police station