

CrPC, S. 173 - Bare perusal of shows that whenever a final report under S. 173 is filed for consideration by the Magistrate, two situations may arise. First, that the report may conclude that the offence appears to have been committed by a particular person or persons and second, that in the opinion of the Officer-in-charge no offence appears to have been committed.

In the first eventuality, that is where the report discloses the commission of an offence, the aforementioned three courses are open to the Magistrate viz. (a) he may accept the report and take cognizance of the offence and issue process; (b) he may disagree with the report and drop the proceedings; (c) he may direct further investigation.

In the second eventuality i.e. where the report states that no offence appears to have been committed, the Magistrate has again three options: (a) he may accept the report and drop the proceedings; (b) he may disagree with the report and take the view that there is insufficient ground for proceeding further, take cognizance of the offence and issue process; (c) he may direct

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