**1. Introduction**

Criminal Procedure Code is procedural law. Therefore, it describes that procedure, which should be adopted for administration of criminal justice. In fact, it has provided provisions for explanation f procedure in respect of investigation, inquiry and trial. Even it has also provided provisions to elaborate procedure in respect of complaint.

**2. Relevant Provisions**

*Section 200 to 204 of Criminal Procedure Code 1898.*

### 3. Meaning of Complaint

Complaint means that allegation, which is made orally or in writing to a magistrate that some know or unknown person has committed an offence, and which is made with a view to his taking action under Criminal Procedure Code, and which does not include police report.

## 4. How to Complaint Proceeded?

Following points are important to explanation of that procedure, which adopted in respect of complaint:

**i. Immediate examination of complainant**

The first duty of the Magistrate to examine complainant upon oath.

**ii. Written examination and Signatures**

Substance of examination of complainant should be reduced to writing and signed by the complainant.

**iii. Non-examination of Complainant**

In following cases, complainant is not examined:

**a. Transfer of case under Section No. 192 of Cr.P.C or sending of case to Court of Session**

When written complaint is made, magistrate is not required to examine complainant before transferring case under Section No. 192 of Criminal Procedure Code or before sending case to Court of Session.

**b. Complaint by court or Public Servant**

Examination of complainant is not required in that case in which written complaint is made by court or public servant, who acts or purports to act in discharge of his official duties.

**iv. No Re-examination of Complainant**

When case is transferred under section No. 192 of Criminal Procedure Code and that magistrate, who transfer case, has already examined complainant, Magistrate to whom case is transferred is not be bound to re-examine complainant.

**v. Procedure for incompetent Magistrate**

For explanation of this procedure, following points are important:

**a. In case of written complaint**

If written complaint has been made to that magistrate, who is not competent to take cognizance of case, he should return complaint for presentation to proper court with an endorsement to that effect.

**b. In case of Oral Complaint**

If written complaint has not been made to that magistrate, who is not competent to take cognizance of case, he should direct complainant to proper court.

**vi. Issue of Process for summoning of accused**

If court opines that there is sufficient ground for proceedings, court can issue process for summoning of accused. Even court can issue warrant for bringing accused before itself.

**vii. Postponement of Issue of Process for compelling attendance of accused**

If court thinks fit, it can postpone issue of process for compelling attendance of accused and can it inquire into case or can direct making of inquiry of investigation by any justice of peace or police officer. Even it can direct making of inquiry or investigation by such person as it thinks fit. And ascertaining of truth or falsehood of complaint is purpose of such inquiry or investigation.

### viii. Dismissal of complaint

After considering statement of complainant on oath and result of inquiry or investigation, if court considers that there is no sufficient ground for proceeding, court can dismiss complaint. However, court is to record its reasons for such dismissal.

**Conclusion**

To conclude , it can be stated that above-discussed procedure can be adopted when magistrate takes cognizance of some offence upon receiving complaint of those facts, which constitute such offience. However, such procedure cannot be adopted when magistrate takes cognizance of some offence upon that written report, which is made by any police officer and which consists of those facts, which constitute such offence.