

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-13183 of 2015
Date of Decision : 17.07.2015

Satnam Singh

.....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

- 1. *Whether Reporters of local papers may be allowed to see the judgment?***
- 2. *To be referred to the Reporters or not?***
- 3. *Whether the judgment should be reported in the Digest?***

Present: Mr. Gurcharan Singh, Advocate
for Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

R.P. Nagrath, J. (Oral)

Prayer in the instant petition is made under Section 482 Cr.P.C. seeking direction to respondents to register a criminal case against Lakhwinder Singh son of Narinder Singh, who was elected as member of Zila Parishad in the elections held in the month of May, 2013.

2. The grouse of the petitioner is that Lakhwinder Singh aforesaid was enrolled as a voter in the two villages and despite representations being made to the police and other officers, no action has been taken against him.

3. After hearing learned counsel for the petitioner and on the facts as discussed above, I am of the view that there may be various options available to the petitioner either to file a petition to

challenge the said election on that ground or to have recourse to file complaint or to pursue the complaints already made to Senior Superintendent of Police, but this Court is not inclined to show indulgence.

4. Hon'ble Supreme Court in **Sakiri Vasu Vs. State of U.P. And others 2008 (2) SCC 409**, held that it is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere. It was further held as under:

“26. If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) Cr.P.C. or other police officer referred to in Section 36 Cr.P.C. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) Cr.P.C. instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.P.C. Moreover he has a further remedy of filing a criminal complaint under Section 200 Cr.P.C. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?”

5. In view of the above, the instant petition is disposed of with liberty to petitioners to seek the alternate remedy. In case a complaint is filed before a Magistrate, it is for the Magistrate to decide the appropriate course how to proceed in the complaint filed by petitioners, on application of mind, whether proceed to take cognizance of the complaint if it is permissible under the law or to take action under Section 156(3) Cr.P.C.

6. The instant petition is disposed of with the above observations.

July 17, 2015
jk

(R.P. NAGRATH)
JUDGE