

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-14208 of 2014

Date of Decision : 24.04.2015

Kiranjeet Kaur

.....Petitioner

Versus

State of Punjab and others

....Respondents

1. *Whether Reporters of the 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?*

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

Present: Mr. Harmanpreet S. Cheema, Advocate
for the petitioner.

Mr. Gurveer Sidhu, AAG, Punjab.

R.P. Nagrath, J. (Oral)

Petitioner has filed the instant petition under Section 482 Cr.P.C. seeking direction to respondents no. 1 to 3 to expedite the enquiry on representation dated 25.03.2014 submitted at Police Station Kurali, Tehsil Kharar, District SAS Nagar, Mohali and representation dated 01.04.2014 submitted to the Senior Superintendent of Police, SAS Nagar, Mohali.

2. The facts of the case briefly are that petitioner is a student of 3rd year course of B.Sc. (Nursing). She came into contact with one Hardeep Singh, who started alluring her into talks and made her to meet him. Hardeep Singh aforesaid showed his willingness to marry her and tried to get closer to the petitioner and by deluding her clicked some photographs of her in his mobile phone and started compelling to have physical relations with him. Hardeep Singh

aforesaid started threatening her that he would upload her photographs on the internet and will forward those to her parents and relatives. In this way, Hardeep Singh took her to his house at Sohana and did wrong acts with her and continued to do so till 18.03.2014. It is further alleged that on 18.03.2014, Hardeep Singh alongwith her mother and aunt forcefully took her to an unknown place at Ambala and under threat got her signatures on some papers upon which they told her that they have performed court marriage of the petitioner with Hardeep Singh. It is further stated that the petitioner after facing lot of hardship and risking her life rescued herself from the custody of Hardeep Singh and approached the police authorities at Police Station Kurali and made representation to SHO of the said police station but police did not take any action. The petitioner again moved a representation dated 11.04.2014 to the Senior Superintendent of Police, Mohali but nothing has been done so far.

3. Response by respondents no. 1 to 3 has been filed and according to the respondents, the petitioner performed marriage with Hardeep Singh on 21.02.2014 against whom complaint was made. It is further submitted that civil suit for permanent injunction was filed by the petitioner and Hardeep Singh aforesaid, copy of which is attached with the reply. As per reply, nothing was found against the petitioner.

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 petitioner 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 petitioner, on application of mind, whether proceed to take cognizance of the complaint or to take action under Section 156(3) Cr.P.C.

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

April 24, 2015
jk

(R.P. NAGRATH)
JUDGE