

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-14731-2015

Date of decision: 07.05.2015

Karamjit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

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

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?*

PRESENT: Mr. Sandeep Kumar, Advocate for the petitioner.

R.P. NAGRATH, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been filed with a prayer for issuance of a direction to respondents No. 2 and 3 to take strict and legal action against private respondent Nos. 4 to 8 in accordance with law on the complaints dated 07.02.2015 and 25.03.2015 (Annexures P-1 and P-2, respectively).

2. Learned counsel for the petitioner submits that petitioner is not well educated and unemployed. It is submitted that respondent No. 4-Sandeep Singh was known to the petitioner since he is having his maternal grandparents in the village of petitioner. The petitioner was unemployed and was in search of some work and respondent No. 4 misguided him on the pretext of starting business of finance which he was already running. It is also submitted that by taking the benefit of innocence and ignorance of the petitioner, respondent No. 4-Sandeep

Singh in connivance with respondents No. 5 to 8 cheated the petitioner and illegally got executed sale deed of the land of petitioner in his favour and his wife-Harpreet Kaur (respondent No. 5.). The land of the petitioner was already mortgaged with the bank, therefore, respondent No. 4 influenced the petitioner that he will help him in repaying the money to the bank and adjust the same in the business. It is further submitted that since the intentions of respondent No. 4 were dishonest and after repaying the loan of petitioner, respondent No. 4 called him on 24.06.2014 to his house and told him that he wants to get the mortgage deed executed in his favour and offered breakfast to the petitioner and after taking the same, he lost his senses. Later on, in the month of January, 2015, the petitioner came to know that respondent No. 4 got executed the sale deed of the land of petitioner in his favour as well as in favour of his wife (respondent No. 5) instead of executing mortgage deed in connivance with respondents No. 6 to 8 on 24.06.2014. It is also submitted that the petitioner along with his wife and other respectables of the village approached respondent No. 4 on 04.02.2015 and respondent No. 4 demanded ₹ 11,50,000/- in lump sum and assured that he will get registered the sale deed in favor of the petitioner. The petitioner and his family arranged the above-stated amount and on 06.02.2015, the petitioner told respondent No. 4 about this but he refused to accept the same and to register sale deed in favour of petitioner. It is further submitted that respondents No. 4 to 8 are extending threats to the petitioner and his family members. The petitioner has filed two complaints dated 07.02.2015 and 25.03.2015 (Annexures P-1 and P-2,

respectively) to the police authorities but no action has been taken so far as respondents No. 4 to 8 are influential persons. Hence, the present petition.

3. Looking into the facts of this case, I am of the considered view that no indulgence of this Court is required. Various options are available to the petitioner to pursue his remedy of this nature.

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 and keeping in view the facts and circumstances of the case, this matter does not need indulgence of this Court in exercise of its inherent powers under Section 482 Cr.P.C. The petitioner may have recourse of alternative remedies. In case, the private complaint is filed it would be for the Magistrate to decide the appropriate course how to proceed in the complaint made to it, 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.

May 07, 2015
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(R.P. NAGRATH)
JUDGE