

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18207-2015

Date of decision: 28.05.2015

Sukhdev Abrol

..... 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. Vikram Satpal Anand, 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 directions to respondents No. 2 and 3 to take appropriate action against private respondents Nos. 4 and 5, in accordance with law by considering the representation dated 29.01.2015 (Annexure P-2).

2. Learned counsel for the petitioner submits that petitioner is running a finance company situated near Railway Line, Shanti Nagar, Ferozepur City. On 29.01.2015 at about 3.00 p.m. Hari Om Pal and Pawan (respondents No. 4 and 5 herein) along with two unknown persons came to the office of petitioner and at that time petitioner was not present in his office and only employee of the petitioner, namely; Vikram was present alone. Respondent No. 4-Hari Om Pal was armed with pistol and respondent No. 5-Pawan is also having a gun in his hand. They both

started beating Vikram and respondent No. 4 hit the head of Vikram on the glass window and the glass broke into pieces. Respondent No. 5- Pawan twisted the finger of Vikram and throw him on the floor. The accused persons then took ₹ 52,000/- from the almirah lying in the office and gave threats to Vikram while leaving the office that to inform your boss to remain vigilant and they will harm him financially as well as physically. The petitioner has filed representation dated 29.01.2015 (Annexure P-2) to respondent No. 3-SHO, Police Station City, Ferozepur but no action has been taken so far. 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 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 to 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 28, 2015
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(R.P. NAGRATH)
JUDGE