

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-21150 of 2015****Date of Decision: September 03, 2015**

Hardam Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Indu Bala, Advocate for
Mr.Hardyal Singh Batth, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for directing respondents No.1 to 4 to fairly and properly complete the investigation in case FIR No.105 dated 17.05.2015 under Sections 308, 323, 341, 506 and 34 IPC (Section 308 IPC added later on), registered at Police Station Sahnewal, District Ludhiana.

I have heard learned counsel for the petitioner and have gone through the record.

The only argument of learned counsel for the petitioner is that the police is not doing fair and proper investigation after the registration of the FIR. Dissatisfied with the investigation conducted by the police, present petition has been filed for direction to the respondents No.1 to 4 to get the investigation conducted fairly and properly.

As held by the Hon'ble Supreme Court in ***Sakiri Vasu v. State of U.P. and others, 2008 (1) R.C.R. (Cr.) 392***, the Magistrate has ample powers to supervise and monitor the investigation of the case. It is held by the Hon'ble Supreme Court as under:-

“27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Cr.P.C. simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Cr.P.C. before the Magistrate or by filing a criminal complaint under Section 200 Cr.P.C. and not by filing a writ petition or a petition under Section 482 Cr.P.C.

28. 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.”

The law laid down in above judgment has also been relied upon by the Hon'ble Supreme Court in ***T.C. Thangaraj v. V. Engammal and others, 2011 (3) R.C.R. (Cr.) 751***.

As the petitioner has alternative remedies as stated in the above-said case, especially to approach the Judicial Magistrate, therefore, this petition cannot be entertained and the same is dismissed. However, it is observed that petitioner is at liberty to approach the Magistrate and can avail alternative remedy.

September 03, 2015

Vgulati

(INDERJIT SINGH)
JUDGE