

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-26518 of 2015

.....

Date of decision:11.8.2015

Ranjit Singh

...Petitioner

v.

State of Punjab and others

...Respondents

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

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Present: Mr. Arjun Lakhanpal, Advocate for the petitioner.

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**Inderjit Singh, J.**

This criminal miscellaneous petition has been filed by petitioner under Section 482 Cr.P.C. for issuance of appropriate directions to respondents to hand over the investigation of FIR No.85 dated 17.7.2015 registered for the offences under Sections 380, 328 and 234 IPC at Police Station Govindwal Sahib, District Tarn Taran to some senior Police Officer for fair and impartial inquiry.

At the time of arguments, learned counsel for the petitioner argued that the investigation of the above case is not progressing well, therefore, directions may be given to the Investigating Officer to expedite the investigation.

At the time of arguments, the only prayer made by the learned counsel for the petitioner is for expeditious investigation of the above FIR.

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

From the arguments, it is clear that the petitioner wants the relief regarding proper investigation in this case.

After giving my thoughtful consideration to the matter, it may be noticed that in Sakiri Vasu v. State of U.P. and others, 2008 (1) RCR (Cr.) 392 (SC), it was observed by the Supreme Court as under:-

“11. In this connection we would like to state that if a person has a grievance that the police station is not registering his FIR under Section 154 Cr.P.C., then he can approach the Superintendent of Police under Section 154(3) Cr.P.C. by an application in writing. Even if that does not yield any satisfactory result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156 (3) Cr.P.C. before the learned Magistrate concerned. If such an application under Section 156 (3) is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The Magistrate can also under the same provision monitor the investigation to ensure a proper investigation.

17. In our opinion Section 156(3) Cr.P.C. is wide enough to

include all such powers in a Magistrate which are necessary for ensuring a proper investigation, and it includes the power to order registration of an F.I.R. and of ordering a proper investigation if the Magistrate is satisfied that a proper investigation has not been done, or is not being done by the police. Section 156(3) Cr.P.C, though briefly worded, in our opinion, is very wide and it will include all such incidental powers as are necessary for ensuring a proper investigation.”

The law laid down in this 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 and held as under:-

“It should also be noted that Section 156 (3) of the Code of Criminal Procedure provides for a check by the Magistrate on the police performing their duties and where the Magistrate finds that the police have not done their duty or not investigated satisfactorily, he can direct the Police to carry out the investigation properly and can monitor the same.”

Therefore, keeping in view of the law laid down by the Hon'ble Supreme Court in Sakiri Vasu v. State of U.P. and others (supra) and T.C. Thangaraj v. V. Engammal and others (supra), this petition under Section 482 Cr.P.C. is not liable to be entertained and the same is dismissed. However, the petitioner is at liberty to avail the alternative remedy before the Magistrate etc. as held in these cases, who has enough powers under Section 156(3) Cr.P.C. to supervise the investigation. Even the Magistrate

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can monitor the investigation as held by the Hon'ble Supreme Court in the above mentioned cases. Therefore, the petitioner having other alternative remedies seeking the issuance of any direction by this Court in exercise of its inherent powers under Section 482 Cr.P.C. would be wholly improper besides being premature.

August 11, 2015.

**(Inderjit Singh)**  
**Judge**

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