

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-26742 of 2015
Date of Decision: 17.8.2015**

Kricpy Khera

.....Petitioner

Vs.

State of Punjab and others

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

1. Whether Reporters of 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?

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner, by way of instant petition under Section 482 Cr.P.C. seeks direction to the official respondents to present final report under Section 173 Cr.P.C. in FIR No. 135 dated 2.9.2014 under Sections 452/342/323/354/506/120-B IPC, registered at Police Station Mataur, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that the FIR was registered way back on 2.9.2014, but report under Section 173 Cr.P.C. has not been presented so far. He further submits that since the accused happens to be an Inspector General of Police, Punjab, investigating agency is not proceeding further for extraneous

reasons. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the arguments advanced, this Court is of the considered opinion that in the given fact situation, present one has not been found to be a fit case, warranting interference at the hands of this Court, while exercising its inherent jurisdiction under Section 482 Cr.P.C., for the following more than one reasons.

During the course of hearing, when a pointed question was put to the learned counsel for the petitioner that once the petitioner is having an equally efficacious alternative remedy, then why she is not availing that remedy first, he has no answer and rightly so, it being a matter of record. No doubt, although powers under Sections 482 Cr.P.C. are vide enough, yet it is equally true that the said powers are to be exercised sparingly and with circumspection.

So far as present case is concerned, it is an admitted fact that petitioner has got an equally efficacious alternative remedy which has not been availed by her before approaching this Court by way of present petition. In this view of the matter, present petition is not even maintainable. Having said that, this Court feels no hesitation to conclude that present petition is misconceived and is liable to be dismissed.

The abovesaid view taken by this Court also finds support from the judgment of the Hon'ble Supreme Court in **Sakiri Vasu versus State of U.P. And another, (2008) 2 SCC 409.**

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present petition is misconceived, bereft of merits and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

17.8.2015
Ak Sharma