

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-28601 of 2015
Date of Decision: August 26, 2015

Mohd. Hanif

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rohit Rana, Advocate for
 Mr.Kunal Dawar, Advocate
 for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for directing respondent No.2 to conduct investigation in a fair and unbiased manner in case FIR No.217 dated 23.04.2015 under Sections 148, 149, 323, 452 and 506 IPC, registered at Police Station Sadar Palwal, District Palwal as Section 307 IPC and Section 27 of the Arms Act have not been added in the FIR.

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 unbiased investigation after the registration of the FIR. Dissatisfied with the investigation conducted by the police, present petition has been filed for direction to the respondent No.2 to get the investigation conducted in fair manner.

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.

August 26, 2015

Vgulati

**(INDERJIT SINGH)
JUDGE**