

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-30623-2015

Date of decision: 10.09.2015

Jubaida

..... Petitioner

Versus

State of Haryana 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. Mohd. Arshad, Advocate for  
Mr. Rashid Pawar, 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 a direction to respondents No. 2 and 3 to register FIR and conduct investigation through some independent agency like Crime Branch or to investigate the matter properly keeping in view the MLR of petitioner dated 28.06.2015 (Annexure P-2).

2. Learned counsel for the petitioner submits that on 27.06.2015 at about 11.30 p.m. the petitioner and her husband, namely; Phariad were present on the roof of their house. In the meanwhile, a phone call was received from the sister of petitioner at the mobile phone of her husband. When she was talking with her sister, their neighbour, namely; Sakir-respondent No. 4 started abusing them and told his sons i.e. respondents No. 5 to 9, namely; Ronak, Akram, Arshad, Faku and

Wajid to beat them. It is further submitted that the sons of respondent No. 4 along with 2-3 named persons armed with lathis and iron rods entered the house of petitioner and they started beating Nadeem and Rahul with lathis and iron rods. They also given beatings to the husband of petitioner and respondent No. 4 slapped the petitioner and give fist blows in her stomach as well as on her back. It is also submitted that respondent No. 13-Idris, who is posted as ASI in Haryana Police at Faridabad had threatened the petitioner and his family members with dire consequences and to implicate them in a false case. The petitioner had already filed a representation dated 21.07.2015 (Annexure P-1) to respondent No. 2-Superintendent of Police, Mewat in this regard but no action has been taken so far. Hence, the present petition.

4. 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 her remedy of this nature.

5. 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?”*

6. In view of the 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.

7. The instant petition is disposed of with the above observations.

8. However, the petitioner is at liberty to pursue her representation dated 21.07.2015 (Annexure P-2) which she has already filed before respondent No. 2- Superintendent of Police, Mewat.

**September 10, 2015**  
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**( R.P. NAGRATH )**  
**JUDGE**