

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-35189 of 2015

Date of Decision: October 13, 2015

Jora Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Naveen Sharma, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for issuance of directions to official respondents No.2 and 3 to fairly investigate the FIR No.138 dated 29.08.2011 under Sections 323, 324, 447 and 511 IPC and FIR No.79 dated 08.08.2013 under Sections 380 and 447 IPC registered at Police Station Raikot.

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 FIRs. Dissatisfied with the investigation conducted by the police, present petition has been filed for direction to official respondents No.2 and 3 for proper investigation etc.

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 remedies.

October 13, 2015
Vgulati

(INDERJIT SINGH)
JUDGE