

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-10985 of 2016(O&M)
Date of Decision: March 31, 2016

Harbans Kaur and another

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gurjeet Singh Randhawa, Advocate
 for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for issuance of directions to respondents No.2 and 3 to arrest the accused persons in FIR No.240 dated 08.12.2015 under Sections 448, 456, 427 and 34 IPC registered at Police Station Sadar Jagraon, District Ludhiana.

At the time of arguments, learned counsel for the petitioners argued that the petitioners are fully aggrieved that in this case the investigation is not being conducted fairly and properly and accused have not been arrested so far.

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

I find that the Magistrate has ample powers under Section 156 Cr.P.C. to supervise the investigation and even to monitor the investigation. If the petitioners are aggrieved that the investigation is not being conducted fairly and properly, then they can avail the

remedy before the Illaqa Magistrate. The Hon'ble Supreme Court in **Sakiri Vasu v. State of U.P. and others, 2008 (1) R.C.R. (Cr.) 392** has held that the petition under Section 482 Cr.P.C. should not be entertained in routine and it is held 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 petitioners have 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 disposed of with liberty to the petitioners to approach the Magistrate to avail alternative remedies.

March 31, 2016
Vgulati

(INDERJIT SINGH)
JUDGE