

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-11322 of 2016(O&M)

Date of Decision: April 04, 2016

Sanjeev

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Mukesh Yadav, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Haryana and other respondents for issuance of directions to respondents No.1 to 6 to conduct fair investigation of case FIR No.273 dated 01.08.2015 under Sections 323, 324, 506 and 34 IPC registered at Police Station Kanina, District Mohindergarh, wherein the investigating officer has not taken any step to arrest the accused in connivance of respondent No.8 to 10.

At the time of arguments, learned counsel for the petitioner argued that the petitioner is 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 petitioner 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 petitioner is aggrieved that the investigation is not

being conducted fairly and properly, then he 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 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 disposed of with liberty to the petitioner to approach the Magistrate to avail alternative remedies.

April 04, 2016

Vgulati

**(INDERJIT SINGH)
JUDGE**