

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-11672 of 2016(O&M)****Date of Decision: April 06, 2016**

Jagwant Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sunil Agnihotri, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for issuance of directions to respondent No.2 to conduct fair inquiry in case FIR No.140 dated 23.08.2015 under Section 21 of NDPS Act registered at Police Station Guruharsahai, which has been registered against the petitioner's innocent husband and also prayed that an independent inquiry be conducted by independent agencies, so that truth may come out and the responsible persons be punished.

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.

I have heard learned counsel for the petitioner and have

gone through the record.

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 Magistrate has ample powers under Section 156 Cr.P.C. to supervise the investigation and even to monitor the investigation. 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 dismissed with liberty to the petitioner to approach the Magistrate to avail alternative remedies.

April 06, 2016
Vgulati

(INDERJIT SINGH)
JUDGE