

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-11936 of 2016(O&M)**
Date of Decision: April 06, 2016

Varjinder Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Mohit Jaggi, 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 respondents to conduct fair and proper investigation by way of constituting Special Investigating Team (SIT) in case FIR No.159 dated 24.08.2015 registered under Sections 406, 420 IPC and Section 24 of the Immigration Act, 1983 registered at Police Station Phase-I, SAS Nagar, Mohali.

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 also argued that SIT be constituted.

I have heard learned counsel for the petitioner and have

gone through the record.

Keeping in view the nature of offence, there is no need to constitute SIT and 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 disposed of with liberty to the petitioner to approach the Magistrate to avail alternative remedies.

April 06, 2016
Vgulati

(INDERJIT SINGH)
JUDGE