

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM No.M-14748 of 2016(O&M)**  
**Date of Decision: May 02, 2016**

Smt.Sunita

...Petitioner

**VERSUS**

State of Union Territory (Chandigarh) and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**Present: Mr.Gaurav Gupta, Advocate  
for the petitioner.

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**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 482 Cr.P.C. against State of U.T. Chandigarh and other respondents for transfer of investigation of case FIR No.382 dated 09.12.2015 under Sections 279/337 IPC registered at Police Station Industrial Area, Chandigarh U.T. to some other independent investigating agency or to some panel comprising of higher rank of officers on the ground that the police officials of Police Station Industrial Area are not conducting the investigation in proper manner.

At the time of arguments, learned counsel for the petitioner only argued that the investigation is not being conducted fairly and properly. No other ground has been mentioned for transfer of investigation to some independent agency etc.

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

Keeping in view the nature of the offence and further the fact that there is no prejudice or motive or enmity against the present petitioner, I do not find any ground to transfer the investigation to some independent agency. 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.

**May 02, 2016**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**