

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-17360 of 2016.
Decided on:-19.05.2016.

Joginder Parshad.

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Yash Dev Kaushik, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. by the petitioner seeking issuance of a direction to the respondents No.1 to 3 for registration of an FIR or to take legal action on the representation dated 9.3.2016 (Annexure P-1) against the private respondents No.4 and 5.

Perusal of the paper book reveals that the dispute between the parties is civil in nature as civil litigations are pending between them regarding dispute on some land. Moreover, as per the law laid down by Hon'ble Supreme Court in *Sakiri Vasu Versus State of U.P. and others*

(2008) 2 SCC 409, no such direction can be issued by this Court under Section 482 Cr.PC as the efficacious remedy is already available to the petitioner for the relief claimed in this petition.

Hon'ble Supreme Court in ***Sakiri Vasu's case (supra)*** has observed as under:

“We have elaborated on the above matter because we often find that when someone has a grievance that his FIR has not been registered at the police station and/or a proper investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482 Cr.P.C. We are of the opinion that the High Court should not encourage this practice and should ordinarily refuse to interfere in such matters, and relegate the petitioner to his alternating remedy, firstly under Section 154(3) and Section 36 Cr.P.C. before the concerned police officers, and if that is of no avail, by approaching the concerned Magistrate under Section 156(3).

If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) Cr.P.C. or other police officer referred to in Section 36 Cr.P.C. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) Cr.P.C. instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.P.C. Moreover he has a further remedy of

filing a criminal complaint under Section 200 Cr.P.C. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?”

In view of the above, this Court does not find any merit in the present petition and the same is, thus, dismissed.

May 19, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE