

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

**Criminal Misc. No. M-25583 of 2016  
Date of Decision:-28.07.2016**

Manphool Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. J.S. Bains, 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 directions to respondents No.3 and 4 to decide the complaint (Annexure P-1) dated 19.6.2016 in accordance with law.

Perusal of paper book reveals that the dispute between the parties is with regard to cutting of 110 Khair trees from the shamlat land of the village by the private respondents without informing the complainant, who is the Sarpanch of the village by showing forged and fabricated permit to the official respondents. 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?”*

At this stage, learned counsel for the petitioner wishes to

withdraw the present petition with liberty to have the recourse of legal remedy as available under law.

Dismissed as withdrawn with the liberty aforesaid.

July 28, 2016  
Vijay Asija

( HARI PAL VERMA )  
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No