

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-2884 of 2016(O&M)
Date of Decision: January 27, 2016

Rajat Arora

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Surinder Singh Walia, Advocate
 for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents for issuance of directions to official respondents to get the enquiry and investigation of case FIR No.1 dated 07.01.2016 under Sections 336, 447, 427, 506, 148 and 149 IPC and Section 25(1)/27(1) Arms Act, Police Station Harike Distt. Tarn Taran conducted from Crime Branch, Punjab or from any other higher Investigating Agency and take legal action against respondents No.5 to 10.

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

The FIR has been registered on 07.01.2016 only and none of the offence is serious one. No ground is made out for getting conducted the enquiry from Crime Branch, Punjab or from any higher

investigating agency. Even at the time of arguments, learned counsel for the petitioner did not press this relief for getting conducted the investigation from any higher investigating agency. Otherwise also, there are no such circumstances to get the investigation conducted from any higher investigating agency or Crime Branch etc.

Learned counsel for the petitioner argued that investigation is not being conducted fairly and properly. As regarding this grievance that investigation is not being conducted fairly and properly, the petitioner has the remedy to approach Illaqa Magistrate, who as ample powers to supervise and even 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 petitioner 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.

January 27, 2016
Vgulati

(INDERJIT SINGH)
JUDGE