

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M 28246 of 2015 (O&M)

Date of decision: 15.02.2016

Manjit Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: None for the petitioner

1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh, J. (Oral)

None has appeared for the petitioner despite third pass over. Therefore, I have considered the case of the petitioner. Prayer in this petition is for directing respondent Nos.1 and 3 to register a criminal case against respondent nos.4 to 6.

In view of law laid down by Apex Court in Sakiri Vasu v. State of U.P. and others, 2008(1) RCR (Criminal) 392, powers under Section 482 Cr.P.C. are not to be ordinarily exercised. There is a specific provision in the Cr.P.C. to deal with such situation. The Apex Court has observed as under:-

“26. 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 matter, the petitioner is relegated to avail remedy before the concerned Magistrate.

The petition stands disposed of.

15.02.2016
gk

(Kuldip Singh)
Judge