

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

Criminal Misc. No. M-35546 of 2016

Date of Decision:-06.10.2016

Sukhdev Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Rajesh Kapila, Advocate
for the petitioner.

HARI PAL VERMA J.(Oral)

The petitioners have filed the present petition under Section 482 Cr.P.C. seeking issuance of a direction to the official respondents No.2 and 3 to take action against respondent No.4 and to protect the life and liberty of the petitioner.

Learned counsel for the petitioner contends that the since the local police is hand in glove with the real culprit, the petitioner has been praying for investigation of the case from higher police authorities and to take action against respondent No.4. In case the FIR is not registered or action is taken against respondent No.4, it will abuse the process of law and a great injustice will be caused to the petitioner.

I have heard learned counsel for the petitioner.

Hon'ble Supreme Court in *Sakiri Vasu Versus State of U.P.*

and others (2008) 2 SCC 409 has held 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 aforesaid observations made by Hon'ble Supreme Court in ***Sakiri Vasu's case (supra)***, it is apparent that 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.

Therefore, this Court does not find any merit in the present petition and the same is, accordingly, dismissed. However, the petitioner is at liberty to avail the appropriate remedy as available under law.

October 06, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No