

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

CRM-M-37981 of 2016.

Decided on:-22.10.2016.

Sandeep Negi and others

.....Petitioners.

Versus

State of U.T., Chandigarh and others

.....Respondents.

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

Present:- Mr. Navjinder S. Sidhu, Advocate
for the petitioners.

HARI PAL VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C. seeking issuance of directions to the official respondents for entrustment of investigation to CBI, Crime Branch or to some other independent agency for conducting fair, impartial and expeditious investigation into the complaints filed by the petitioners and for registration of an F.I.R. against the accused.

Learned counsel for the petitioner contends that the respondent No.5 in connivance with his accomplice had played fraud with the petitioners. The petitioners have approached the various authorities for registration of an FIR against the accused, but no action has been taken by the police. He prays for issuance of direction to the official respondents for registration of an FIR against respondent No.5 and his accomplice.

I have heard learned counsel for the petitioners.

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 petitioners 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.

October 22, 2016

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No