

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

CRM-M-43805 of 2013.

Decided on:-02.09.2016.

Amit Kumar and another

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. K.S. Dadwal, Advocate
for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. A.D.S. Jattana, Advocate
for respondents No.7 to 10.

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 to 5 for registration of an FIR against the private respondents No.7 to 10.

Learned counsel for the petitioners contends that the since the local police is hand in glove with the real culprits, the petitioners have been praying for investigation of the case from higher police authorities and to register an FIR against the private respondents. In case the FIR is not registered against the private respondents, it will abuse the process of law and a great injustice will be caused to the petitioners.

On the other hand, learned State counsel on the basis of reply filed by way of affidavit of Hardavinder Singh, PPS, DSP, Fatehgarh Sahib

on behalf of respondents No.1, 2, 4 and 5 submits that since no cognizable offence was made out on the complaint of the petitioners, no FIR was registered against the private respondents.

I have heard learned counsel for the parties.

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)***, as well as the reply submitted on behalf of respondents No.1, 2, 4 and 5, 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. However, the petitioners are at liberty to avail the appropriate remedy as available under law.

September 02, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes / No

Whether Reportable: Yes / No