

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

**Criminal Misc. No. M-7127 of 2015
Date of Decision:-28.07.2016**

Rajrani

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. S.K. Sharma, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

Mr. Rajesh K. Dadwal, Advocate
for respondents No.6 and 7.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuing direction to respondents No.1 and 2 to register a case against respondents No.6 and 7.

As per the law laid down by Hon'ble Supreme court in **Sakiri Vasu versus State of U.P. and others (2008) 2 SCC 409**, 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.

Hon'ble Supreme Court in *Sakiri Vasu's case (supra)* has observed 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?”

At this stage, learned counsel for the petitioner wishes to withdraw the present petition with liberty to have the recourse of legal

remedy as available under law.

Dismissed as withdrawn with the liberty aforesaid.

July 28, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No