

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-9217 of 2016(O&M)
Date of Decision: March 16, 2016

Anurag Preet Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Anil Chaudhary, Advocate
 for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for issuance of directions to respondents No.2 for proper investigation of the case FIR No.198 dated 06.11.2015 under Sections 323, 324, 341, 506 and 34 IPC registered at Police Station Sahnewal, Ludhiana City as respondent No.3 had not investigated the matter in a fair manner and had not arrested the private respondents.

I have heard learned counsel for the petitioner and have gone through the record.

From the perusal of the record, I find that except one occurrence regarding causing injuries for which the FIR has already been registered, no other instance has been mentioned. Therefore, from the record, I find that there is no threat to life and liberty of the

petitioner and her family members.

The only argument of learned counsel for the petitioner is that the police is not doing fair and proper investigation after the registration of the FIR. Dissatisfied with the investigation conducted by the police, present petition has been filed for direction to the respondent No.2 to get the investigation conducted fairly and properly.

As held by the Hon'ble Supreme Court in ***Sakiri Vasu v. State of U.P. and others, 2008 (1) R.C.R. (Cr.) 392***, the Magistrate has ample powers to supervise and monitor the investigation of the case. It is held by the Hon'ble Supreme Court as under:-

“27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Cr.P.C. simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Cr.P.C. before the Magistrate or by filing a criminal complaint under Section 200 Cr.P.C. and not by filing a writ petition or a petition under Section 482 Cr.P.C.

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere.”

The law laid down in above judgment has also been relied upon by the Hon'ble Supreme Court in ***T.C. Thangaraj v. V. Engammal and others, 2011 (3) R.C.R. (Cr.) 751***.

As the petitioner has alternative remedies as stated in the

above-said case, especially to approach the Judicial Magistrate, therefore, this petition cannot be entertained and the same is disposed of with liberty to the petitioner to approach the Magistrate to avail alternative remedies.

March 16, 2016
Vgulati

(INDERJIT SINGH)
JUDGE