

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

CWP No.3969 of 2016

Date of decision : April 26, 2016

Paramjeet Singh Gill

.....Petitioner

Versus

The State of Haryana & another

.....Respondents

**CORAM : HON'BLE MR.JUSTICE S.S. SARON
HON'BLE MR.JUSTICE GURMIT RAM**

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

Present : Mr. S.S. Antal, Advocate
for the petitioner.

S.S. SARON, J.

This petition has been filed under Article 226 of the Constitution of India praying for a direction to the State of Haryana through Chief Secretary-respondent No.1 to register a criminal case against Raj Kumar Saini, Member of Parliament Kurukshetra-respondent No.2 under the relevant Sections of the Indian Penal Code for spreading/creating hatred against particular section of society belonging to the Jat Community on the issue of reservation by giving vitriolic statements in the newspapers thereby causing unrest in the entire State and loss of public property and lives of people.

The prayer made by the petitioner is for registration of a FIR against respondent No.2 for making vitriolic speeches. The petitioner has alleged that respondent No.2-Raj Kumar Saini, Member of Parliament is creating unrest in the State. Therefore, FIR is liable to be registered. In

support of his case he has placed on record copy of news item Annexure P-1 published in the Hindustan Times dated 22.02.2016.

We have given our thoughtful consideration to the matter. As already noticed the prayer of the petitioner is for registration of a FIR. For registration of a criminal case (FIR) against an accused, a complainant is to approach the In Charge of the police station concerned in terms of Section 154 of the Code of Criminal Procedure (Cr.P.C. - for short). The Hon'ble Supreme Court in *Sakiri Vasu vs. State of U.P. and others, 2008(1) R.C.R. (Criminal) 392*, has held that in case, police is not registering FIR, a petition under Section 482 Cr.P.C. is not to be entertained and the petitioner should be relegated to avail his remedy before a Magistrate, who has power under Section 156(3) Cr.P.C. to direct the Police to register FIR.

In the present case it is not shown by the petitioner as to whether he has approached any police station for registration of a FIR in terms of Section 154 Cr.P.C. He has directly approached this Court for registration of a FIR. This Court in exercise of its supervisory jurisdiction under Article 226 of the Constitution of India is not to order for registration of a FIR as a matter of course. In the circumstances the petitioner may avail other remedies with regard to the registration of a FIR in accordance with law.

This petition being clearly misconceived is dismissed.

(S.S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

April 26, 2016
Gaurav Sorot