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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 2004/2015

BAKSHISH SINGH

..... Petitioner

Through: Mr.Nikhil Malhotra, Advocate

versus

STATE OF NCT OF DELHI &ANR.

..... Respondents

Through: Ms.Richa Kapoor, A.S.C. for the
State with SI Parmendra Kumar PS
Paharganj

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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11.02.2016

1. By way of this writ petition filed under Article 226 of the Constitution of India, petitioner is seeking direction to the respondent Nos.1 to 3 to take appropriate action against the officials for not performing their duty/not taking action and allowing the illegal and unauthorized construction of the property bearing No.2184/168, Plot No.103, Ganesh Pura-B, Tri Nagar, Delhi.
2. Status report has been filed on behalf of the State.
3. In the case of ***Sakiri Vasu vs. State of U.P. & Ors. (2008) 2 SCC 409***, it was held as under:-

'26. 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?

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.'

4. In view of the legal position referred to above and remedies available to the petitioner by filing criminal complaint, no direction is required to be issued by this Court in writ jurisdiction.

5. Writ petition is hereby dismissed.

PRATIBHA RANI, J.

FEBRUARY 11, 2016/‘pg’