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

+ W.P.(CRL) 1900/2015

VINEET KUMAR TYAGI, ADVOCATE Petitioner

Through : Mr. R. K. Dubey, Adv. with petitioner
in person.

versus

BHAGAT SINGH CHAUHAN & ORS Respondents

Through : Mr. B. S. Rawat, Adv. for R-1 & R-2
with R-1 & 2 in person.

Mr. Sacchin Puri, Sr. Adv. and Mr.
Udit Malik, Adv. for R-3.

Mr. Avi Singh, ASC and Mr. Ananya
Mohan, Adv. for R-5 to 7 with SI
Sandeep Kumar PS Tilak Marg, New
Delhi.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **25.11.2016**

Though, prayers as made in the petition are not very clear but it can be deduced from the perusal of petition that coupled with the arguments advanced, in essence, petitioner seeks registration of FIR by the SHO police station Tilak Marg, New Delhi pursuant to his complaint dated 6th August, 2015.

In Sakiri Vasu Vs. State of UP & Ors., MANU/SC/8179/2007, Supreme Court has 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.”

In view of the alternative remedies, as available to the petitioner, I am not inclined to entertain this petition. Dismissed.

A.K. PATHAK, J.

NOVEMBER 25, 2016/dk