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

+ **W.P.(CRL) 2602/2015**

J ALEXANDER

..... Petitioner

Through: **Mr.Mayilsamy K, Advocate**

versus

**THE ASSISTANT COMMISSIONER
OF POLICE &ORS.**

..... Respondents

Through: **Mr.Avininder Singh, A.S.C. for the
State with Ms.Megha Bahl &
Ms.Sumi Anand, Advocates with
Inspector Rajesh Maurya ATO
PS S.J.Enclave**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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23.02.2016

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., petitioner is seeking direction to respondent Nos.1 to 4 to investigate the complaint dated 5th September, 2015 and register the FIR.
2. Status report has been filed on behalf of the State.
3. This question has come up for consideration before the Supreme Court in the case reported as ***Sakiri Vasu vs. State of U.P. & Ors. (2008) 2 SCC 409***, wherein 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 23, 2016

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