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

+ W.P.(CRL) 721/2016

B N SINGH

..... Petitioner

Through Mr. R.V. Sinha, Mr. R.N. Singh and Mr.
A.S. Singh, Advocates

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through Mr. Sanjay Lao, ASC (CrI.) with
Mr. Siddharth Sindhu, Advocate
SI Anand Kumar, PS Mehrauli

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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04.03.2016

W.P.(CRL) 721/2016 and CrI. MA Nos. 4043-4044/2016

The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 *inter alia*, praying for a direction to be issued to the official respondent to register an FIR on a complaint filed by the petitioner with the former as far back as on 6th June, 2009.

It has been urged by Mr. R.V. Sinha, learned counsel appearing on behalf of the petitioner that despite following up repeatedly on the complaint dated 6th June, 2009, the police has failed to take any action. It has also been urged that the police is in connivance with the alleged offender.

The Hon'ble Supreme Court of India in the decision of *Sakiri Vasu vs. State of Uttar Pradesh & Ors.* reported as (2008) 2 SCC 409 in para 26 has held as follows:-

“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 concerned 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?”

In view of the facts aforestated and the decision of the Hon’ble Supreme Court in *Sakiri Vasu (supra)*, the prayers sought in the present writ petition cannot be granted.

The present writ petition and the applications are dismissed whilst reserving liberty to the petitioner to follow the procedure prescribed by law as enunciated in the decision of the Hon’ble Supreme Court in *Sakiri Vasu (supra)*.

The writ petition and the applications stand disposed of.

SIDDHARTH MRIDUL, J

MARCH 04, 2016/sd