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

+ W.P.(CRL) 82/2016

RAVI KUMAR

..... Petitioner

Through: Petitioner in person.

versus

SATBIR BEDI & ORS.

..... Respondents

Through: Mr.Sanjay Lao, ASC for the State/
R-3.
Ms.Sangit Rai, Advocate for R-4.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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12.01.2016

1. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India with the following prayers:

- (i) to declare the acts of respondents No.1 and 2 as shown in para 5 at page No.12 and 13 to be 'without public interest'.
- (ii) to issue writ of Mandamus to the respondent No.3 Commissioner (Delhi Police) for registration of FIR u/s 13(1)(d)ii) and 13(1)(d)(iii) of Prevention of Corruption Act 1988 and under Section 120-B of the Indian Penal Code 1860 against respondent no.1 and 2.
- (iii) to issue writ of Mandamus to respondent no.4 for appointment of a public prosecutor for the prosecution of the respondents No.1 and 2 as per Section 3 of Prevention of Corruption Act, 1988.

(iv) to direct compensation to the petitioner for violation of his fundamental rights and deprivation of undeniable job opportunity leading to loss of experience, consequential benefits, seniority, apart from mental harassment, financial and economic loss.

2. Notice. Learned ASC for the State accepts notice.

3. Attention of the petitioner has been drawn to the decision of Apex Court in *Sakiri Vasu vs. State of U.P. and Ors. (2008) 2 SCC 409* wherein the Apex Court has dealt with the remedies available to a person feeling aggrieved by non-registration of FIR by the local police. In paragraphs 26 & 27 of the Report, the Supreme Court has observed 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.”*

4. At this stage, the petitioner submits that in view of the legal position enumerated in *Sakiri Vasu vs. State of U.P. and Ors.* (Supra), he may be permitted to withdraw the present petition with liberty to avail the remedy available under the law.

5. Request allowed. Accordingly, the present petition is dismissed as withdraw granting the liberty as prayed for.

PRATIBHA RANI, J.

JANUARY 12, 2016

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