

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-23943 of 2017(O&M)

Date of Decision: August 28, 2017

Balbir Singh

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ravi Gakhar, Advocate for
Mr.Jagdish Manchanda, Advocate
for the petitioner.

INDERJIT SINGH, J.

CRM No.20750 of 2017

The application is allowed subject to all just exceptions.

Annexures P-2 to P-4 are taken on record.

CRM No.23363 of 2017

The application is allowed subject to all just exceptions.

Correct translation of Annexure P-1 is taken on record.

CRM No.M-23943 of 2017

Petitioner has filed this petition under Section 482 Cr.P.C.
against State of Haryana and other respondents for issuance of directions to
respondents No.2 to submit status report within a stipulated period of two
weeks mentioning therein reasoning as to why the complaint dated

sustained injuries in the hands of private respondents, has been kept pending for more than three months.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that as per the injuries shown in the MLR, these are with blunt weapon and simple injuries, which means that these fall under Section 323 IPC and offence under Section 323 IPC is a non-cognizable offence.

Secondly, if the petitioner has grievance that investigation is not being conducted fairly and properly, he has the remedy to approach Illaqa Magistrate, who has ample powers to supervise and even monitor the investigation. The Hon'ble Supreme Court in **Sakiri Vasu v. State of U.P. and others, 2008 (1) R.C.R. (Cr.) 392** has held that the petition under Section 482 Cr.P.C. should not be entertained in routine and it is held as under:-

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.”

The law laid down in above judgment has also been relied upon by the Hon'ble Supreme Court in **T.C. Thangaraj v. V. Engammal and others, 2011 (3) R.C.R. (Cr.) 751.**

As the petitioner has alternative remedies as stated in the above-said case, especially to approach the Judicial Magistrate, therefore, this petition cannot be entertained and the same is dismissed with liberty to the petitioner to approach the Magistrate to avail alternative remedies.

August 28, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No