

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

**CRM No.M-2801 of 2017 (O&M)
Date of Decision: January 30, 2017**

Gurcharan Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Brar, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for directing the official respondents to decide the representation dated 28.12.2016 in which request is made to the official respondents to present the final report in case FIR No.47 dated 22.07.2016 registered under Sections 452, 323 and 34 IPC (Sections 325 and 308 IPC added later on) at Police Station Mallanwala, District Ferozepur as the officials respondents are not making any progress in the case even after passing of six months of the said incident and private respondents are roaming freely and threatening the petitioner and to protect life and liberty of the petitioner and his family from respondents No.4 to 6 etc.

At the time of arguments, learned counsel for the petitioner

mainly argued that there is threat to the life and liberty of the petitioner and

investigation of the FIR should be conducted fairly and impartially.

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

The perusal of the record nowhere shows that there is any threat to the petitioner and his family. Neither specific particulars have been mentioned that on which date, in which month and year, the threat was given nor any injury etc. has been caused. Therefore, I find that no ground is made out for providing security to the petitioner.

As regarding the prayer that investigation be conducted fairly and properly and final report be submitted, I find that the petitioner 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 disposed of with liberty to the petitioner to approach the Magistrate to avail alternative remedies.

January 30, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No