

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

**CRM No.M-2822 of 2017 (O&M)
Date of Decision: January 30, 2017**

Shubham Goel @ Lucky Goel

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Pranav Handa, Advocate for
Mr.Ramandeep, 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 protecting life and liberty of the petitioner and for taking strict legal action against private respondents who are arrayed as accused in case FIR No.0184 dated 20.11.2016 registered at Police Station Samana, District Patiala, under Sections 458, 365, 342, 323, 324, 148 and 149 IPC.

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

serious threat to the petitioner. 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, 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