

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

CRM-M-33286 of 2017.
Decided on:-08.09.2017.

Prem Lata and another

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Dhruv Gupta, Advocate
for the petitioners.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of directions to the official respondents to conduct a fair and prompt investigation in the complaint dated 26.08.2017 (Annexure P-1) moved by the petitioners to the SHO, Police Station Dhar Kalan, District Pathankot.

Learned counsel for the petitioners contends that aggrieved against the constant threats and pressure at the hands of private respondents No.4 to 10, the petitioners have submitted the aforesaid complaint to the respondent No.3 i.e. SHO Police Station Dhar Kalan. However, on account of the passive attitude of the police officials in taking prompt legal action against the accused persons, the petitioners have been living in a state of mercy.

I have heard learned counsel for the petitioners.

Hon'ble Supreme Court in ***Sakiri Vasu Versus State of U.P. and others (2008) 2 SCC 409*** has held as under:

“We have elaborated on the above matter because we often find that when someone has a grievance that his FIR has not been registered at the police station and/or a proper investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482 Cr.P.C. We are of the opinion that the High Court should not encourage this practice and should ordinarily refuse to interfere in such matters, and relegate the petitioner to his alternating remedy, firstly under Section 154(3) and Section 36 Cr.P.C. before the concerned police officers, and if that is of no avail, by approaching the concerned Magistrate under Section 156(3).

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?”

In the present case, prayer made by the petitioners is virtually nothing but for registration of an F.I.R. In view of the aforesaid observations made by Hon'ble Supreme Court in ***Sakiri Vasu's case (supra)***, it is apparent that no such direction can be issued by this Court under Section 482 Cr.P.C.

as the efficacious remedy is already available to the petitioners for the relief claimed in this petition.

Therefore, this Court does not find any merit in the present petition and the same is, accordingly, dismissed.

September 08, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No