

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

**CRM No.M-4571 of 2017(O&M)  
Date of Decision: February 14, 2017**

Vinay Kumar Gupta

...Petitioner

VERSUS

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Anshul Mangla, Advocate  
for the petitioner.

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**INDERJIT SINGH, J.**

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 and 3 for conducting fair and impartial investigation in case FIR No.229 dated 11.07.2016 under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC registered at Police Station Ambala Cantt. and for setting aside the order dated 11.01.2017 passed by learned ACJM, Ambala.

At the time of arguments, learned counsel for the petitioner mainly argued on one point that investigation should be conducted fairly and impartially and the order dated 11.01.2017 passed by learned ACJM, Ambala, should be set-aside.

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

As regarding the order dated 11.01.2017 passed by learned

ACJM, Ambala, I find that the petitioner instead of asking for fair and proper investigation and instead of asking the Magistrate to monitor the investigation, asked for calling the status report and learned Magistrate held that when the FIR is already under investigation and the offences are of serious nature, there is no need to call for the status report again and again. No illegality has been committed by learned ACJM, Ambala, while passing the order dated 11.01.2017.

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 disposed of with liberty to the petitioner to approach the Magistrate to avail alternative remedies.

February 14, 2017  
Vgulati

(INDERJIT SINGH)  
JUDGE

Whether speaking/reasoned  
Whether reportable

No  
No