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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 774/2017

VIVEK CHANDRA

..... Petitioner

Through: Mr. S.N. Bhardwaj and Ms. Harsha
Rani, Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS..... Respondents

Through: Mr. Sanjay Lao, ASC for the State
with Mr. Siddarth Sindhu, Adv. along
with SHO/Insp. Suman Kumar and
ASI Braham Pal, P.S. IGIA Metro.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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10.03.2017

By this petition, petitioner seeks registration of FIR against the respondent nos. 3 to 8. In Sakiri Vasu Vs. State of U.P. and Others, AIR 2008 SC 907, Supreme Court has held as under:-

“24. In view of the abovementioned legal position, we are of the view that although [Section 156\(3\)](#) is very briefly worded, there is an implied power in the Magistrate under [Section 156\(3\)](#) Cr.P.C. to order registration of a criminal offence and /or to direct the officer in charge of the concerned police station to hold a proper investigation and take all such necessary steps that may be necessary for ensuring a proper investigation including monitoring the same. Even though these powers have not been expressly mentioned in [Section 156\(3\)](#) Cr.P.C., we are of the opinion that they are implied in the above provision.

25. 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\(3\)](#).

26. 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?”

For the foregoing reasons, I am not inclined to entertain this writ petition and the same is dismissed. However, petitioner is at liberty to avail the alternate remedies as may be available to him under the law. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

MARCH 10, 2017/ga