

264.

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

CRM-M-20851-2018

Date of decision:15.11.2018.

SANTOSH

... Petitioner

versus

STATE OF HARYANA AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr. Ripu Daman, AAG, Haryana,
for respondents No.1 to 4.

Mr. S.S. Mor, Advocate,
for respondents No.5 to 7.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of direction to the official respondents No.1 to 4 for registering FIR against the private respondents No.5 to 7.

No one is present on behalf of the petitioner.

Vakalatnama filed on behalf of respondents No.5 to 7 in court today, is taken on record.

Reply by way of affidavit of Jagat Singh, HPS, Deputy Superintendent of Police, Headquarter Bhiwani filed in court today on behalf of respondents No.1 to 4, is taken on record. In para 2 of preliminary submissions, it has been submitted that during enquiry, petitioner and private respondents No.5 to 7 were joined in enquiry and their statements were

to work in the factory of private respondents since the last 17-18 years and the petitioner and her husband lives in the house provided by the private respondents without any rent/cost. However, Sagarmal died on 07.10.2017 in his house and the dead body was taken by the petitioner to their native village Ralawala (Rajasthan) and was cremated there without any postmortem. No complaint against the private respondents or anyone else was submitted before any police station or any of the authority by the petitioner regarding the death of her husband. The petitioner is still residing in the free accommodation provided by the private respondents and is levelling false allegations against the private respondents in order to pressurize them so that she may continue to enjoy the possession of house in which she is residing.

Heard.

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 view of the aforesaid observations made by Hon'ble Supreme Court in **Sakiri Vasu's case** (supra), as well as the reply submitted on behalf of respondents No.1 to 4, it is apparent that no such direction can be issued by this Court under Section 482 Cr.PC as the efficacious remedy is already available to the petitioner 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. However, the petitioner is at liberty to avail the appropriate remedy as available under law.

(HARI PAL VERMA)
JUDGE

15.11.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.