

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-33534-2018

Date of decision: August 6, 2018

Jaswinder Singh

... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Karanjit Singh, Advocate,
for the petitioner.

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 Nos. 2 and 3 to protect the life and liberty of the petitioner. The petition is accompanied with two representations dated 4.7.2018 (Annexure P-3) and 27.7.2018 (Annexure P-4).

Learned counsel for the petitioner has pointed out that representation dated 4.7.2018 (Annexure P-3) was submitted by Kulwant Kaur who is mother of the petitioner. However she has unfortunately expired after submission of the representation. Therefore, the petitioner has submitted a fresh representation dated 27.7.2018 (Annexure P-4).

I have heard learned counsel for the parties and perused the representation dated 27.7.2018 (Annexure P-4). This Court finds that there

nothing but to issue a direction to the respondents to register a criminal case against the accused. No such case can be registered in view of the law laid down by Hon'ble Supreme Court in ***Sakiri Vasu Versus State of U.P. and others (2008) 2 SCC 409*** in which it is 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

be issued by this Court under Section 482 Cr.PC 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. However, the petitioners are at liberty to avail the appropriate remedy as available under law.

(HARI PAL VERMA)
JUDGE

August 6, 2018
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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No