

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-40983 of 2018

Date of Decision: 17.09.2018

Sonu Rani

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- Mr. Sarabjit Singh Grewal, 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 respondent no.2 to protect the life and liberty of the petitioner and to take legal action against respondents no.3 and 4 by registering an FIR against them, who have forced the petitioner to do the work of prostitution at Malaysia and also to decide the representation dated 13.07.2018.

Learned counsel for the petitioner contends that the accused persons have illegally and fraudulently taken the petitioner to Malaysia and forced her to do the work of prostitution and on coming back to India, they have threatened the petitioner that if she will disclose about their activities to anybody, then they will kill herself as well as her family members. She reported the matter to the police, but no case has been registered against the

accused persons. The petitioner has also submitted a representation dated 13.07.2018 (Annexure P-1) to Senior Superintendent of Police, Mansa requesting for registration of criminal case against the accused, but nothing has been done by the respondents till date.

I have heard learned counsel for the petitioner.

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?”

Admittedly, the petitioner had already approached the official respondent no.2 with regard to her prayer for protection of her life and liberty. So far as her second prayer for registration of an F.I.R. against the accused, is concerned, in view of the 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 petitioner for the said relief.

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

September 17, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No