

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

**CRM No.M-42286 of 2018 (O&M)
Date of Decision: September 25, 2018**

Piyara Lal

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sherry K. Singla, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for issuing directions to respondents No.2 and 3 to protect life and liberty of the petitioner and his family members from the hands of private respondents No.4 to 10 and further to conduct proper investigation into case FIR No.39 dated 02.05.2018 under Sections 406 and 120-B registered at Police Station City 1, Malerkotla, District Sangrur.

At the time of arguments, learned counsel for the petitioner mainly argued that there is threat to the life and liberty of the petitioner and investigation of the FIR should be conducted fairly and impartially.

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

From the record, I find that there is nothing on the record to

show that any injury has been caused to the petitioner or any threat is there to his life and liberty. No DDR or FIR regarding such occurrence has been placed on the record. There is no allegation that the respondents are giving threats telephonically. Therefore, I find that there is no serious threat to the life and liberty of the petitioner. Otherwise also, FIR has been got registered under Sections 406 and 120-B IPC.

Learned counsel for the petitioner argued that investigation is not being conducted fairly and properly. As regarding this grievance that investigation is not being conducted fairly and properly, the petitioner 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.

September 25, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No