

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRM-M-42526-2018

Date of Decision:09.10.2018

Dr. Hari B. Bidasaria

.....Petitioner

Versus

SSP, Chandigarh and another

.....Respondents

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

Present: Mr. S.C. Patial, Advocate (Legal Aid Counsel),
along with petitioner in person.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for
issuance of direction to respondent No.1 to register an FIR against
respondent No.2.

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)**, 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.

Dismissed.

However, the petitioner is at liberty to avail the appropriate remedy as available under the law.

October 09, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No