

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

CRM-M-50683 of 2018 (O&M)
Decided on:- December 07, 2018.

Surjit Singh.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Nakul Sharma, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of directions to the official respondents No.1 to 4 to take the complaint dated 09.05.2018 (Annexure P-5) moved by the petitioner to its logical end.

Learned counsel for the petitioner states that in the aforesaid complain (Annexure P-5), the petitioner has made specific allegations against the accused persons as they have committed offence under Sections 341, 283, 431, 188 and 149 IPC as well as Section 8-B of the National Highway Act, but till today, neither any enquiry has been initiated nor any action has been taken by the police.

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?”

Similar view has also been taken by Hon’ble Madras High Court in ***Sugesan Transport Private Limited Versus The Assistant Commissioner of Police 2016(5) CTC 577*** and ***K. Raghupathy Versus The Commissioner of Police, Greater Chennai, Vepery, Chennai and another 2017 (3) MLJ (Criminal) 449.***

In the present case, prayer made by the petitioner is nothing but for issuance of a direction to the official respondents for registration of an F.I.R. against the accused persons. However, in view of the aforesaid

observations made by Hon'ble Supreme Court in ***Sakiri Vasu's case (supra)***, ***Sujesan Transport Private Limited's case (supra)*** and ***K. Raghupathy'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 relief claimed in this petition.

In view of the above, the present petition stands dismissed.

December 07, 2018

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No