

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-51662 of 2018

Date of Decision: 22.11.2018

Sanjay Singh

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

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

Mr. Rana Harjasdeep Singh, DAG, Punjab.

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 and 2 register FIR under Sections 420/406/404/464/466/467/468/470/471/511 IPC against respondents no.3 and 4, as respondent no.2 has failed to register an FIR despite the applications dated 16.02.2018 (Annexure P-1).

Learned counsel for the petitioner states that apart from the fact that the petitioner has made various personal visits to respondent No.2 to take legal action against the accused, they have even moved applications dated 16.02.2018 (Annexure P-1) but till date, no FIR has been registered against the accused.

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 respondent No.2 for registration of an F.I.R. against private respondents No.3 and 4. 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.

Therefore, this Court finds that there is no merit in the present petition and the same is, accordingly, dismissed.

November 22, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No