

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

**CRM No.M-2060 of 2019 (O&M)
Date of Decision: January 21, 2019**

Resham Singh and another

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Dinesh Mahajan, Advocate
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for issuance of directions to respondents No.2 to 5 not to harass the petitioners and their family members at the instance of respondents No.6 to 16 and restrain them from interfering in their life and liberty, with further direction to respondent No.2 to make fair investigation in the case registered against the petitioners or to get investigated the matter from some superior officer and to take legal action on the representation dated 15.10.2018 moved by the petitioners.

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

The perusal of the record shows that there are vague allegations regarding harassment to the petitioners and his family members at the

instance of respondents No.6 to 16. It is clear from the record that petitioners are accused in the FIR. The petitioners are alleging that no action has been taken on their representation against private respondents and investigation of the FIR is not being conducted fairly.

For these grievances, this petition is not maintainable. The petitioners have 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 petitioners have 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 dismissed with liberty to the petitioners to approach the Magistrate to avail alternative remedies.

January 21, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No