

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

CRM-M-3308 of 2019.
Decided on:- January 24, 2019.

Sapwinder Kaur.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Bikramjeet Singh Jatana, 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 3 is to ensure the security of life and liberty of the petitioner and her family members at the hands of private respondents No.4 and 8.

Prayer has also been made for issuance of a direction to respondents No.1 to 3 to take relevant action on the representations dated 08.12.2018 (Annexure P-2) and 15.01.2019 (Annexure P-3) moved by the petitioner against respondents No.4 to 8 to restrain them from committing any offence in future.

Learned counsel for the petitioner states that in the year 2009, the petitioner performed love marriage with respondent No.4 Satwinder Singh.

Respondent No.5 Jaspreet Kaur is the second wife of respondent No.4, whereas the respondents No.5 to 7 are the father, mother and sister of respondent No.4. After the marriage, the private respondents started harassing the petitioner time and again. Against her harassment at the hands of private respondents, the petitioner has made aforesaid representations (Annexure P-2 and P-3) to respondent No.2 Senior Superintendent of Police, Patiala, but the police failed to take appropriate action against the private respondents as they are influential persons. Rather, the private respondents No.4 to 8 are still threatening the petitioner to kill her.

I have heard learned counsel for the petitioner.

In the representation attached with the petition, the petitioner has prayed to take strict legal action against the accused Satwinder Singh, Jaspreet Kaur, Malook Singh, Paramjeet Kaur and Kinder Kaur, for committing the offence stated therein. Thus virtual prayer is for registration of FIR against the accused.

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, under the garb of the prayer of seeking protection of life and liberty, the petitioner intends to seek issuance of a direction for registration of the FIR against private respondents No.4 to 8. 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.

January 24, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No