

128.

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

CRM-M-35340-2019

Date of decision:28.08.2019

ANJALI MARWAHA

... Petitioner

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Harish Sharma, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner-Anjali Marwaha has filed the present petition under Section 482 Cr.P.C. for issuance of directions to official respondents No.1 to 3 to take appropriate legal action on her complaint dated 06.09.2018 (Annexure P-1) filed against private respondents No.4 to 6 for misappropriating the istridhan of the petitioner and subjecting her to cruelty for demand of dowry. Prayer has also made to protect the life and liberty of the petitioner and her minor daughter at the hands of respondents No.4 to 6.

Learned counsel for the petitioner contends that the since the local police is hand in glove with the real culprits, no action is being taken against them.

Heard.

Virtually the prayer in the present petition is nothing but a direction to the official respondents to register an FIR against the private respondents.

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 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.

(HARI PAL VERMA)
JUDGE

28.08.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No