

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-47239 of 2019

Date of Decision: 05.11.2019

Rajwinder Kaur

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. Munish Gulati, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner has filed the present petition under Section 482 Cr.P.C. seeking issuance of a direction to the official respondents No.2 to 4 for taking action on the application/representations of the petitioner (Annexures P-1 to P-3) and further directing respondents no.2 to 4 to take legal action against respondents no.5 to 7.

Learned counsel for the petitioner contends that the since the local police is hand in glove with the real culprit i.e. respondent Nos.5 to 7, no action is being taken against them. In case the FIR is not registered against respondent Nos.5 to 7, it will abuse the process of law and a great injustice will be caused to the petitioner.

Heard.

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.

November 05, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No