

129.

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

CRM-M-51078-2019

Date of decision: 02.12.2019

JASKIRAT KAUR

... Petitioner

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Baljeet Singh Sidhu, Advocate,
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of direction to the official respondents to investigate the matter in a fair and impartial manner pertaining to complaint dated 20.09.2019 moved by the petitioner against private respondent No.5, who without giving divorce to the petitioner, has performed second marriage with respondent No.6. Prayer has also been made to protect the life and liberty of the petitioner at the hands of private respondents No.5 and 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.

Since respondent No.5 has solemnized second marriage with respondent No.6 during the subsistence of earlier marriage, this Court finds that 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***

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

02.12.2019
sanjeev

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