

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

CRWP No.5302 of 2020.
Decided on:- July 28, 2020.

Bhupinder Singh.

.....Petitioner.

Versus

The State of Punjab and others

.....Respondents.

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

Present:- Mr. Prashant Bansal, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this criminal writ petition filed under Article 226/227 of the Constitution of India is for issuance of a writ, order or directions to the respondent No.2 to take appropriate action against the private respondents in accordance with law upon the representation dated 22.06.2020 (Annexure P-2) moved by the petitioner.

Having heard learned counsel for the petitioner, this Court finds that prayer in this petition is nothing but for registration of an FIR against the private respondents. Moreover, it is an admitted case of the petitioner that the matter is already seized with the police. Therefore, no interference is warranted to invoke the jurisdiction of this Court under Article 226/227 of the

Constitution of India as the efficacious remedy is already available to the petitioner for the relief claimed in this petition.

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.

The present petition is, accordingly, dismissed.

July 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No