

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

113

CRWP-5842-2020

Date of Decision:13.08.2020

Rajwinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Mohit Singla, Advocate for  
Mr. Daljinder Singh, Advocate,  
for the petitioner.

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HARI PAL VERMA, J.(Oral)

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

Prayer in the present criminal writ petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of mandamus, directing respondent Nos.1 to 4 to protect the life and liberty of the petitioner at the hands of private respondent Nos.5 to 12, with a further direction to respondent Nos.3 and 4 to investigate the matter on the representation dated 10.06.2020(Annexure P-1) attached with the petition. Direction has also been sought that no case be registered against the petitioner at the hands of private respondent Nos.5 to 12.

Learned counsel for the petitioner has contended that Rajinder Kumar @ Happy-respondent No.10 and Satnam Singh-respondent No.11, who are known to the petitioner, have approached him in the month of October, 2015. Satnam Singh-respondent No.11 told him that one of his distant relative, who is like his sister is in need of one room on rent basis

petitioner if one room is given on rent to accused Kiran Bala wife of Luvjeet Singh. On the asking of Rajinder Kumar and Satnam Singh, petitioner has rented one room and a bathroom to Kiran Bala on monthly rent of Rs.1500/-. The allegation against respondent No.5-Kiran Bala is that she entered the name of the petitioner in her UID card as her husband and now the accused are demanding Rs.15 lakh from the petitioner and had extended threat in case money is not paid.

Heard learned counsel for the petitioner and looked into the representation so attached with the petition dated 10.06.2020(Annexure P-1).

On the basis of representation so attached with the petition, it is clear that the petitioner intends direction from this Court to get an FIR registered against the private respondent Nos.5 to 12. I am afraid that no such direction, as being sought in the present criminal writ petition, can be issued.

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 36Cr.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.***

Thus 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 Article 226 of the Constitution of India as the efficacious remedy is already available to the petitioner for the relief claimed in this petition.

In view of the above, the present criminal writ petition stands dismissed.

**August 13, 2020**  
**seema**

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No