

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CRM-M-47749-2017

Date of Decision:24.01.2020

Sushila Devi

.....Petitioner

Versus

Superintendent of Police, Rewari and others

.....Respondents

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

Present: Mr. G.S. Gandhi, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Mukesh Yadav, Advocate,
for respondent Nos.4 to 10.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of directions to the official respondents Nos. 1 to 3 to take action in terms of the applications dated 01.06.2017 & 05.06.2017 (Annexures P-4 & P-5), respectively, and to register FIR against private respondent Nos.4 to 10, with a further prayer for quashing of Annexure P-2 dated 01.06.2017 & dated 15.06.2017(Annexure P-6).

Learned counsel for the petitioner states that no action is being taken by the police against the private respondents on the complaint of the petitioner. In spite of sufficient evidence, the police has done nothing against the private respondents and disposed of the complaint of the petitioner wrongly and illegally.

Heard learned counsel for the petitioner.

In the present case, the virtual prayer of the petitioner is nothing but to seek issuance of a direction for registration of the FIR against private respondents No.4 to 10 for which a separate remedy is available to the petitioner. 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

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 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.

January 24, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No