

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

CRM-M-28829 of 2020

DATE OF DECISION : 21.09.2020

Ranjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. J. S. Thind, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

(Presence has been marked through video conference)

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 Cr.P.C seeking issuance of directions to the official respondents to investigate the complaint of petitioner properly and take further action against private respondents.

2. Learned counsel for the petitioner contends that private respondents had hit the car of petitioner. They also removed his turban, pulled his hair and caused injuries to him. Respondent No.4 also snatched his apple I-phone and broke the same. In the circumstances, the petitioner submitted his complaints/ representations dated 05.09.2020 contained at Annexures P-3 and P-4 to respondents No.3 and 2, respectively.

3. Notice of motion.

4. Mr. Luvinder Sofat, AAG, Punjab, who has joined proceedings, on service of advance copy of petition, accepts notice on behalf of State of Punjab.

5. In my opinion, the petitioner ought to have first approached the trial Court under Section 156 (3) Cr.P.C for redressal of his grievance, if any, before directly approaching this Court. Section 156 (3) *ibid* empowers a Magistrate to ensure proper investigation. Ordinarily, in case of a grievance arising out of non registration of an FIR, first remedy is to approach the Superintendent of Police under Section 154(3) Cr.P.C. or any other competent police officer per Section 36 Cr.P.C. However, even if thereafter, grievance is unmitigated, one can take judicial recourse by approaching a Magistrate under Section 156(3) Cr.P.C. Still, thereafter, an aggrieved party has a further remedy of filing a criminal complaint under Section 200 Cr.P.C. Reference may be had to Apex Court judgment in “*Sakiri Vasu v. State of U.P and others*” 2008 (2) SCC 409.

6. In the premise, the instant petition is dismissed. The petitioner is, however, at liberty to approach the appropriate Court for redressal of his grievance, as aforesaid.

SEPTEMBER 21, 2020
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No