

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

CRM-M-31655 of 2020 (O&M)

Date of Decision: 08.10.2020

Chanchal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Neeraj Madaan, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is under Section 482 of the Code of Criminal Procedure seeking issuance of directions to the official respondents to conduct fair and impartial investigation in the FIR No.84 dated 26.03.2020, registered under Sections 452, 323, 506, 148 and 149 of IPC at Police Station Sadar Fazilka and take action against the private respondents.

2. Learned counsel for the petitioner submits that on 24.03.2020, accused persons trespassed into the house of the petitioner and inflicted injuries to her and her mother-in-law.

3. In these circumstances, the petitioner submitted a complaint/representation dated 17.08.2020 contained at Annexure P-3 to Senior Superintendent of Police, Fazilka, but the same has not been adverted till date. Hence, this petition.

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 her 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 her grievance, as aforesaid.

OCTOBER 08, 2020

Vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No