

Sr. No. 107

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

CRM-M-32098 of 2020 (O&M)

Date of Decision 09.10.2020

Deepak Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is under Section 482 of the Code of Criminal Procedure for transferring the investigation of the case FIR No.001 dated 01.01.2020, registered under Sections 323, 324, 34, 506 IPC at Police Station Cheeka, District Kaithal.

2. This is petitioner's second foray before this court. He had earlier also filed CRWP No.5025 of 2020 wherein, inter alia, similar prayer was made. Vide an order dated 20.07.2020 Annexure (P-8) the said petition was disposed of.

3. Grievance herein is that while disposing of the aforesaid earlier petition this court had confined the scope of its interference only qua life and liberty of the petitioner. The learned counsel contends that prayer for transfer of investigation made therein was left open. The argument is completely devoid of merit as would be borne out from bare reading of order dated 20.07.2020 (P/8).

4. In any case, in the interest of justice, the petitioner is given liberty to first approach trial Court under Section 156 (3) Cr.P.C for redressal of his grievance, if any, before directly approaching this Court qua his allegation of poor investigation. 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.

5. In the premise, petition is dismissed with liberty to approach appropriate Court/competent authority, as aforesaid.

OCTOBER 09, 2020

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No