

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

CRM-M-31773 of 2020

DATE OF DECISION : 08.10.2020

Shami Khanna

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE ARUN MONGA

Present : Mr. J. P. Dhull, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

The petitioner has approached this Court under Section 482 Cr.P.C for registration of FIR against the private respondents on the basis of a complaint filed by him.

2. Learned counsel for the petitioner contends that private respondents along with 10/12 boys, armed with deadly weapons, trespassed into his house. They threatened the petitioner. They damaged the house as well as car of the petitioner, which was parked outside. In this regard, the petitioner also made complaint/representation contained at Annexure P-2.

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 view of the aforesaid, no ground for interference by this Court is made out.

7. Dismissed.

8. However, dismissal of the instant petition would not preclude the competent authority/respondent No.2 to look into the representation/complaint dated 15.09.2020 (Annexure P-2), in accordance with law.

OCTOBER 08, 2020
shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No