

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

**CRM-M-34878 of 2020 (O&M)
Date of Decision: 30.10.2020**

Balwinder Singh and another ...Petitioners

Vs.

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr.Nitin Rampal, Advocate,
for the petitioners.

Mr. P. S. Walia, AAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is under Section 482 Cr.P.C. for issuance of directions to respondents No.1 to 4 to take action against respondents No.5 to 15, for threatening and giving beating to the petitioners.

2. The petitioners ought to have first approached the trial Court under Section 156 (3) Cr.P.C for redressal of their 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.

3. In the premise, the instant petition is disposed of with liberty to petitioners to approach the appropriate Court/authority for redressal of their grievance, as aforesaid.

OCTOBER 30, 2020
adhikari

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable	Yes/No