

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

**CRM-M-34875 of 2020 (O&M)
Date of Decision: 30.10.2020**

Deepa

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Afzal Hussain, Advocate,
for the petitioner.

Mr. Bhupender Singh DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is under Section 482 Cr.P.C. seeking appropriate action against respondents No. 3 to 5, who are allegedly torturing the husband of the petitioner (presently confined in District Jail, Gurugram) and demanding Rs.50,000/- illegally.

2. The petitioner 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 petitioner to approach the appropriate Court/authority for redressal of her grievance, as aforesaid.

OCTOBER 30, 2020
adhikari

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable

Yes/No
Yes/No