

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

CRWP-8897 of 2020 (O&M)

Date of Decision: 29.10.2020

Vinod Sihag and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Varinder Singh Rana, Advocate,
for the petitioners.

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

ARUN MONGA, J. (ORAL)

Petition herein is under Article 226 of Constitution of India for issuance of directions to respondent No. 2 to protect the life and liberty of the petitioners at the hands of respondents No. 3 & 4, who are harassing and threatening them to implicate in false criminal case at the instance of respondents No. 5 & 6 and pressurizing them to withdraw/make statement in FIR No. 319 dated 8.10.2020, registered under Sections 323, 324, 341, 34 of IPC, at Police Station Ellenabad, Distt. Sirsa against respondents No.5 and 6.

2. The contents of the petition along with Annexures thereof have been perused.

3. Notice of motion.

4. Mr. Bhupender Singh, DAG Haryana, who has joined proceedings, on service of advance copy of petition, accepts notice on behalf of State of Haryana.

5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

6. In my opinion, 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.***

7. 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 29, 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable

Yes/No
Yes/No