

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

**CRM-M-34867 of 2020 (O & M)
DATE OF DECISION : 30.10.2020**

Harpal Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sarbjit Singh, Advocate,
for the petitioners.

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

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 Cr.P.C for issuance of directions to respondent No.1 to inquire FIR No.57 dated 25.05.2020 under Sections 323/308/506/148/149 IPC registered at Police Station Mehta, District Amritsar (Rural) and submit final report under Section 173 Cr.P.C, as respondents No.2 and 3 have connived with the accused persons.

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

3. Notice of motion.

4. Mr. P. S. Walia, AAG, Punjab, who has joined proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Punjab and submits that per his instructions, investigation is still in process. He further submits that pursuant thereto, out of total 05 accused as per

the complaint, 02 have been arrested, 02 have been found innocent and 01 is at large and is yet to be investigated. He also submits that even otherwise, it is a case of aggression and counter aggression, version and cross version and the same is still under investigation, the present petition is thus pre-mature.

5. Having heard both the learned counsel, I am of the view that 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 the petitioners to approach the appropriate Court/authority for redressal of their grievance, as aforesaid.

OCTOBER 30, 2020
shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No