

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

CWP-7135-2021

Date of Decision: 26.03.2021

SUBEG SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Mohinder Singh Joshi, Advocate,
For the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.
(Presence marked through video conference.)

ARUN MONGA, J. (ORAL)

Petitioner herein, inter alia, seeks issuance of a writ in the nature of mandamus for transfer of investigation of FIR No. 32 dated 09.02.2021 under sections 324, 323, 341, 120-B, 34 IPC registered at Police Station Patran, District Patiala.

2. Learned counsel for the petitioner submits that, dissatisfied with the investigation, petitioner submitted a representation dated 12.02.2021 (Annexure P-6) before Senior Superintendent of Police, Patiala and, for the reasons stated therein, sought transfer of the investigation to some other officer. However, till date no decision has been taken. Hence the instant petition.

3. Notice of motion. Mr. Charanpreet Singh, AAG, Punjab, joins proceedings on advance service and accepts notice on behalf of State of Punjab.

4. I have heard learned counsel for the petitioner and gone through the case file.

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, 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 remains unmitigated, one can take judicial recourse by approaching a Magistrate under Section 156(3) Cr.P.C. If still aggrieved, further remedy is to file 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 the premise, the instant petition is dismissed. The petitioner is, however, at liberty to approach the appropriate Court/competent authority for redressal of his grievance, as aforesaid.

March 26, 2021
vandana

(ARUN MONGA)
JUDGE

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