

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

CRM-M-18324-2021(O&M)

Date of Decision: 29.06.2021

Ritika Dogra

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ferry Sofat, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

In this petition, the petitioner has prayed for issuance of directions to respondent Nos. 1 to 3 to initiate fair and proper investigation upon the representation dated 24.03.2021 (Annexure P-6) moved by the petitioner to respondent No. 2- The Commissioner of Police, Ludhiana and to protect the life and liberty of the petitioner and her family members at the hands of respondents No. 4 to 8.

It is stated that on 24.03.2021 at around 12:30 p.m, when the petitioner went to roof of her house, she saw respondent No. 4 to 8 dropping waste construction material in front of gate of her house. On the petitioner requesting them not to do so respondent No. 4 along with other private respondents came to roof of the house of petitioner and started abusing and threatening the petitioner and her family members. It is alleged that the same day i.e 24.03.2021 at around 6:30 p.m, said respondent Nos. 4 to 8 armed with wooden sticks and bats forcibly entered the house of the

petitioner. Respondent No. 4, with intention to kill the petitioner, tried to inflict brick blow on head of the petitioner, which hit on her neck. The other private respondents are alleged to have hit the petitioner with their wooden sticks and rods respectively, which hit on her arms, back and little finger of the right hand. Respondent Nos. 4 to 8 made her lie down on the floor and gave blows with legs on her back apart from taking away gold ring from her. Meanwhile, both daughters of the petitioner tried to rescue the petitioner from them but said respondents dragged the daughter of the petitioner, namely, Jessica towards gate and caused serious injuries on her head. When the petitioner raised hue and cry and people gathered there all the said respondents ran away. The petitioner was got medically examined. She submitted a complaint to respondent No. 3-SHO, Police Station Haibowal, Ludhiana. On 25.03.2021 her statement was recorded. She filed a representation dated 27.03.2021 to respondent No.2-The Commissioner of Police, Ludhiana for taking action against respondent Nos.4 to 8 but to no avail. She has prayed that the official respondents be directed to register FIR against the private respondents.

The Hon'ble Supreme Court in ***M. Subramaniam v. S. Janaki, (2020) 16 SCC 728*** has held that that if a person has a grievance that his FIR has not been registered by the police, or having been registered, proper investigation is not being done, then the remedy of the aggrieved person is not to go to the High Court under Article 226 of the Constitution but to approach the Magistrate concerned under Section 156(3) CrPC. If such an application under Section 156(3) CrPC is made and the Magistrate is, prima facie, satisfied, he can direct the FIR to be registered. He can also direct proper investigation to be done which includes recommending change of the

investigating officer, to ensure proper investigation.

In view of the above this petition is disposed of with a liberty to the petitioner to approach the Magistrate concerned under Section 156(3) Cr.P.C for appropriate directions.

June 29, 2021
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No