

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

Sr.No.107

**CRM-M No.28909 of 2021
Date of Decision: 26.07.2021**

Ramesh Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Ranjan Lakhanpal, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J.

By way of this petition, the petitioner seeks the indulgence of this Court for the issuance of a direction to the respondent-State to register a criminal case against Mr. Gurdeep Singh Sekhon, Principal, State Institute Mahuana, District Sri Muktsar Sahib, while averring that he (petitioner) is working as a Trainer in the said Institute and the above-named Principal insulted him and also called him by the name of his caste and he has already reported the matter to several authorities as detailed in para No.4 and has also moved a representation (Annexure P-1) to the police authorities in this regard but in vain.

I have heard learned counsel for the petitioner at the preliminary stage and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the allegations levelled against the afore-named Principal of the said Institute constitute the cognizable offences but the police authorities are

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not registering the criminal case/FIR in view thereof, despite the fact that the Constitution Bench of the Apex Court has categorically observed in *Lalita Kumari vs. Government of U.P. and others, {Writ Petition (Criminal) No.68 of 2008, decided on 12.11.2013}* that “the registration of the FIR is mandatory under Section 154 Cr.P.C, if the information discloses commission of a cognizable offence” and it being so, the respondents be directed to register the criminal case/FIR against the above-named Principal of the said Institute.

However, I do not find this contention to be tenable because in *Lalita Kumari's case (supra)*, the issue that had arisen for the consideration was “whether a police officer is bound to register a First Information Report (FIR) upon receiving any information relating to the commission of a cognizable offence, under Section 154 of the Code of Criminal Procedure, 1973 or the police officer has the power to conduct a preliminary inquiry in order to test the veracity of such information before registering the same?”.

Whereas, in the case in hand, the question that has arisen for adjudication is as to whether this Court is required to issue any direction for the registration of the criminal case/FIR in case the police authorities do not register the same.

This question stands answered in the judgment handed down by the three Judges' Bench of Hon'ble the Supreme Court in *M. Subramaniam and another vs. S. Janaki and another (Criminal Appeal No.102 of 2011, decided on 20.03.2020)*, wherein the direction

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given by the High Court for the registration of the FIR had been set-aside while relying upon an earlier judgment of the Apex Court rendered in *Sakiri Vasu vs. State of U.P., (2008)2 SCC 409*, to the effect that “if a person has a grievance that his FIR has not been registered by the police or the same having been registered, proper investigation is not being done, then the remedy of the aggrieved person is not to go to the High Court but to approach the Magistrate concerned under Section 156(3) Cr.P.C.”

Moreover, in *Aleque Padamsee and others vs. Union of India and others (Criminal Writ Petition Nos.11-15 of 2003, decided on 18.07.2007)*, the Apex Court has also observed that “in case of non-registration of the FIR by the police, the aggrieved party can lay a complaint before the Magistrate under Sections 190 and 200 Cr.P.C. and the writ petition seeking direction to the police to register the case is not to be entertained.” In view of these observations, it is explicit that the instant petition seeking the issuance of the direction for registration of criminal case/FIR is not maintainable before this Court.

As a sequel to the foregoing discussion, it follows that the petition in hand deserves dismissal on the ground of its not being maintainable before this Court. Resultantly, the same stands dismissed accordingly.

26.07.2021
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No