

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

CRM-M-32294 of 2021

Date of Decision: 08.09.2021

Ranjit Singh

.....Petitioner

Versus

State of Punjab and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Hardeep Singh, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

Grievance of the petitioner is that he has been defrauded by respondent Nos.7 & 8. The petitioner had submitted an application before respondent No.3-SSP, Patiala, detailing his grouse, pursuant whereof an inquiry was conducted wherein it was concluded that the dispute between the parties is of civil nature.

Learned counsel for the petitioner contends that the police have erroneously treated the dispute as being civil in nature whereas there are clear allegations against respondent Nos.7 & 8 on the basis of which a criminal offence is made out against them.

The Hon'ble Supreme Court in *M. Subramaniam v. S. Janaki*, (2020) 16 SCC 728 has held 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.

Without commenting upon the merits of the case or opining on the veracity of the allegations contained in the representation, 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.

September 08, 2021
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No