

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.107

CRM-M No.31283 of 2021

Date of Decision: 05 August, 2021

Gurdev Singh

....Petitioner

Versus

State of Punjab & Others

....Respondents

(Heard through Video-Conferencing)

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

Present: Mr. Sylvester Stephen, Advocate, for the petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

The petitioner herein seeks the indulgence of this Court for the issuance of direction to respondents No.2 to 4 to conduct a fair and impartial inquiry in the complaint (Annexure P-11) preferred by him and for directing respondents No.5 and 6 to refrain from harassing and twisting his arm for extorting a sum of Rs.1,20,000/- as paid to him (petitioner) for sending respondent No.5 abroad and he also prays for taking appropriate legal action against private respondents No.5 and 6.

Shorn and short of unnecessary details, the facts, as canvassed by the petitioner in this petition, are that he is a travel agent by profession and is working with the firm under the name and style of M/s Mannu Enterprise. In the month of December 2020, respondent No.6 approached him with the request to send his son, i.e respondent No.5, to Dubai on the work permit. He initiated the process for the said purpose and got a visit/tourism visa issued in the name of respondent No.5 for two months and the work permit/visa was to

be issued to him thereafter. However, during his stay at Abu Dhabi, the said respondent indulged in some unwarranted activities against the employer company and resultantly, his services were terminated. After returning from UAE, respondent No.5, along-with respondents No.6 & 7, came to his house and they were accompanied by 5/6 more persons, in police uniform, who threatened him either to return the amount of Rs.1,20,000/- to respondents No.5 and 6 or to face dire consequences and they also demanded a sum of Rs.10,000/- as bribe. He moved the said complaint (Annexure P-11) to respondent No.3 in this regard but in vain.

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

Learned counsel for the petitioner contends that in his complaint (Annexure P-11), the petitioner has levelled specific allegations against respondent No.5 and the unknown persons who accompanied him and he has also prayed for taking legal action against these accused persons but the competent authorities are not initiating any legal action against them and therefore, the official respondents be directed to do the needful in this regard.

However, this contention is not tenable in view of the judgment as recently 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)*, whereby the direction given by the High Court for the registration of the FIR has been set aside while relying upon the observations made by the Apex Court earlier 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 taking the legal action against the above-said persons is not maintainable before this Court.

As a sequel to the fore-going 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.

05.08.2021
seema

(MEENAKSHI I. MEHTA)
JUDGE

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