

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

CRM-M-32170 of 2021

Date of Decision: 09.09.2021

Amit Kumar

.....Petitioners

Versus

State of Punjab & Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Parvez Chug, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

By way of preferring instant petition, petitioner has sought directions to official respondents to conduct fair and proper investigation in case FIR No.407 dated 25.12.2020 under Sections 420,406 IPC registered at P.S Tripri, Patiala, District Patiala with further prayer to transfer the investigation to some independent agency or some Senior Police Official.

Grievance of the petitioner is that respondent No.5, who was earlier married to Sandeep Kumar-respondent No.9, in active connivance with her parents, family and friends defrauded him and took away valuable articles including more than 30 tolas of gold. It is stated that after a lapse of more than eight months from the date of lodging of FIR, no action has been taken by the police.

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.

September 09, 2021
manoj

(Harinder Singh Sidhu)
Judge