

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.110

CRM-M No.32638 of 2021

Date of Decision: 12th August, 2021.

Amarjit Singh

...Petitioner

Versus

State of Punjab & Others

...Respondents

(Heard through Video-Conferencing)

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

Present: Mr. Hitesh Kumar Sammi, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

The petitioner herein seeks the issuance of a direction to respondents No.1 to 3 to register the FIR against respondents No.4 and 5 on the basis of the allegations as levelled by him and also to arrest these private respondents thereafter and to get the investigation of the said criminal case conducted by an independent agency or any IPS Officer, while averring that the afore-said private respondents have committed the cognizable offences but the police authorities are not registering the criminal case/FIR against them despite the fact that he has already moved an application (Annexure P-1) to respondent No.2 in this regard.

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 the petitioner has levelled specific allegations against respondents No.4 and 5 which

clearly constitute the cognizable offences but the police authorities are not registering the criminal case/FIR against these respondents 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 registering criminal case/FIR 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.

(MEENAKSHI I. MEHTA)
JUDGE

12.08.2021.
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Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No