

In the High Court of Punjab and Haryana at Chandigarh

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CRWP-7654-2021 (O & M)

Date of Decision: August 19, 2021

HARPAL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Gagandeep Singh Simble, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioner is seeking a direction to the official respondents for protection of life and liberty as he has been threatened by the private respondents. The petitioner is also sought a direction to the official respondents to register an FIR against the private respondents.

Learned counsel for the petitioner contends that on 09.10.2020, the petitioner had been abducted by the private respondents. Copy of the MLR is annexed as Annexure P-1. The petitioner had sent a representation on 12.12.2020 to the Senior Superintendent of Police, Batala but no action has been taken thereon.

Heard.

The incident is alleged to have taken place on 09.10.2020. The petitioner has approached this Court after a period of 10 months. The petitioner has also not availed the remedy for preferring an application under

Section 156 (3) Cr.P.C. before the Magistrate for registration of an FIR. It has

been held by the Supreme Court in the case of **Sakiri Vasu v. State of U.P. and others, (2008) 2 SCC 409** that on the inaction of the police on registering an FIR, the aggrieved person can approach the Magistrate under Section 156(3) Cr.P.C. for registration of an FIR. It has also been held that the Court should not encourage writ petitions or petitions under Sections 482 Cr.P.C. for registration of FIR. This view has been reiterated by the Supreme Court in the cases of **Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage and others, (2016) 6 SCC 277** and **M. Subramaniam and another v. S.Janaki and another, 2020 (6) Scale 204.**

In view of the above, without expressing any opinion on the merits of the case, the petitioner is relegated to the alternative remedy under Section 156 (3) Cr.P.C. It would, however, be appropriate to direct respondent No.2-Senior Superintendent of Police, Batala to look into the allegations with regard to the threat to the petitioner and take appropriate steps to ensure that no bodily harm is caused to the petitioner.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

August 19, 2021
A.Kaundal

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