

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

CRM-M-42244 of 2021 (O&M)

Date of Decision: 07.10.2021

Dalwinder Singh

.....Petitioner

Versus

State of Punjab and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Sukhdev Singh Khokher, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

The petitioner has invoked the jurisdiction of this Court under Section 482 Cr.P.C for issuance of directions to respondent Nos.2 to 4 to take appropriate action against respondent Nos.5 to 9, in the light of complaint dated 11.09.2021 (P.5).

It is stated that both the petitioner and respondent No.5 are adjoining land owners. On 21.06.2021 at about 8.30, respondent Nos.5 & 6 assaulted the petitioner with deadly weapons. In this respect, the petitioner got registered FIR No.66 dated 21.06.2021 under Sections 323,324,34 IPC at Police Station Bholath, District Kapurthala against respondent Nos.5 & 6 besides their worker. As a counter-blast, respondent No.6 got booked FIR No.67 dated 23.06.2021 under Sections 323,324,34 IPC at P.S Bholath, District Kapurthala against the petitioner and his wife in which the petitioner was granted interim bail by this Court vide order dated 03.09.2021 (P.3).

Grievance of the petitioner is that on 04.07.2021 at around 4.30 am, respondent Nos.5 to 9 in order to take revenge inflicted injuries to him with deadly weapons resulting into his being admitted in Civil Hospital

Bholath for treatment. After examination, an MLR was prepared and a complaint was made by the petitioner against respondent Nos.5 to 9 but no action has been taken thereon so far despite number of requests being made.

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.

October 07, 2021
manoj

(Harinder Singh Sidhu)
Judge

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