

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

CRWP No.10810 of 2021

Date of Decision: 16th November, 2021.

Mani & Others

...Petitioners

Versus

State of Punjab & Others

...Respondents

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

Present: Mr. Ashok Kumar Sharma Advocate,
for the petitioners.

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MEENAKSHI I. MEHTA, J.

By way of the instant petition, the petitioners seek the indulgence of this Court for the issuance of the direction to official respondents No.1 to 3 to protect their lives and liberty and property as well and to restrain private respondents No.4 and 5 from blackmailing/torturing them and also to take legal action against these private respondents and further, to decide their representation Annexure P-1, while averring that respondent No.4 is a habitual offender and is involved in five criminal cases as detailed in Para No.4 and he as well as respondent No.5 have been raising illegal demand of money from them (petitioners) while threatening them with dire consequences and though, they reported the matter at the concerned Police Station but in vain.

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

Learned counsel for the petitioners contends that the

allegations levelled against the private respondents constitute the cognizable offences but the police authorities are not taking legal action by registering the criminal case/FIR against them in view thereof.

However, it is worth-while to mention here that in a recent judgment as rendered 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)**, a direction given by the High Court for the registration of the FIR has been set-aside while relying upon an earlier judgment of the Apex Court handed down 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 Hon'ble Supreme 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 is not maintainable before this Court so far as it pertains to the prayer of the petitioners for the issuance of direction to the official respondents to take appropriate legal action against the said private

respondents. Resultantly, the petition in hand stands partially dismissed to the said extent accordingly.

However, as regards the prayer as made by the petitioners qua the protection of their lives and liberty, this petition stands disposed of with the observations that they (petitioners) will be at liberty to move a fresh representation to respondent No.2-Senior Superintendent of Police, Ludhiana, exclusively praying therein for the said protection only and if so moved, respondent No.2 will look into the same and in case, the petitioners would be found to be genuinely deserving the protection of their lives and liberty, then he shall take appropriate action, strictly in accordance with law, in the given set of the facts and circumstances of the matter, as expeditiously as possible.

(MEENAKSHI I. MEHTA)
JUDGE

16.11.2021.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No