

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

Sr. No.241

CRM-M-20083-2022

Date of decision : 7.9.2022

Gurpreet Singh

.....Petitioner(s)

VERSUS

State of UT, Chandigarh

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.GB Gilhotra, Advocate for the petitioner

Mr.Ankur Bali, Addl.PP, UT, Chandigarh

Mr.Naresh Kumar, Advocate for respondent Nos. 6 and 7

AMAN CHAUDHARY, J.

The present petition under Section 482 Cr.P.C. has been filed for issuance of direction to respondent Nos. 1 to 5 to conduct fair and impartial enquiry in the compliant No.PW202119893 dated 6.9.2021 (Annexure P-1) submitted by the petitioner.

At the very outset, learned counsel for State submits that as per the reply filed on behalf of the State, in the matter, enquiry was conducted and the allegations levelled in the complaint were found false. The relevant para of the reply reads thus:-

“8. That the deponent states that since allegations levelled by the petitioner in the complaint regarding investment in GBP & Lotus Group for sale and purchase of property were found false and baseless and could not be substantiated, as no evidence came on record in this regard. Further as per the account statement of the petitioner, respondent No.6 and other concerned persons, the matter is found to be

regarding investment on interest/ profit basis to each other and other persons, which is purely civil in nature. Moreover, complaints under Section 138 of Negotiable Instruments Act and Civil Suit is pending between the parties, as such, no cognizable offence is made out and the Enquiry Officer has already recommended for filing of the complaint submitted by the petitioner, which is pending for approval of the higher officials.”

Heard the learned counsel for the parties.

In Sakiri Vasu vs. State. U.P. and others (2008) 2 SCC 409

Hon'ble the Supreme Court has observed that in case a person has a grievance that FIR has not been registered by the police on his complaint or even after registration of the FIR, no proper investigation is held, he can file an application under Section 156(3) Cr.P.C. before the learned Magistrate concerned. The relevant para runs as follows;

“In this connection we would like to state that if a person has a grievance that the police station is not registering his FIR under Section 154 Cr.P.C., then he can approach the Superintendent of Police under Section 154(3) Cr.P.C. by an application in writing. Even if that does not yield any satisfactory result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156 (3) Cr.P.C . before the learned Magistrate concerned. If such an application under Section 156 (3) is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The Magistrate can also under the same provision monitor the investigation to ensure a proper investigation.

In view of the above statement made by learned State counsel

and also in view of the law laid down in the case of **Sakiri Vasu** (supra), no

further order is required to be passed in the matter and the present petition stands disposed of as having been rendered infructuous.

However, the petitioner is at liberty to avail the alternative remedy available to them, in accordance with law.

7.9.2022
gsv

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No