

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

Sr. No.225

CRM-M-36255-2018

Date of decision : 25.8.2022

Ramesh Kumar @ Harmesh Kumar

.....Petitioner(s)

VERSUS

State of Punjab and others

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the petitioner

Mr.Mavpreet Singh, AAG, Punjab

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 for fair and impartial investigation in case FIR No. 91 dated 14.7.2018, registered under Sections 304, 34 IPC at Police Station Kathgarh, SBS Nagar and to take appropriate action against respondent Nos. 6 to 8.

The concise facts of the case as borne out from the FIR, registered on the basis of the statement of the petitioner made before the police, wherein he stated that he was posted as Home Guard at Jalandhar. His brother-in-law was married to Anita Devi (respondent No.6) about 14 years ago and they were having two sons, one is about 12 years and other is 10 years. The petitioner -complainant earlier used to reside in the house of his in-laws in village Naurang. Due to quarrel with her husband, Anita -respondent No.6 left her children with her husband went to reside in village Raipur at the house of her parents. Thereafter, she used to make

false complaints against the petitioner and his wife and wanted to seek custody of the children. On 14.7.2018, the petitioner, his wife and the other family member of Darshan Ram- brother-in-law of the petitioner accompanied by various respectables went to the Police Post, Arson to attend the complaint made by Anita-respondent No.6 to the police against them. The accused party was also present there. During that Anita and her brother Pardeep Kumar -respondent No.7 started arguing with Sonia (since deceased) with regard the custody of the children and exchanged hot words between them. On account of this, health of Sonia became deteriorated and she was rushed to Sangha Hospital, Ropar, where she was declared dead. FIR in question was registered against the accused respondent Nos. 6 to 8.

At the very outset, learned counsel for State submits that in the present case, the investigation had been completed and finding no incriminating evidence against respondent Nos. 6 to 8, a cancellation report was prepared and approved by the senior officer and has been presented in the Court of learned Illaqa Magistrate, Balachaur on 9.12.2021 and the same is pending adjudication for 7.10.2022. Therefore, he submits that the present petition has been rendered infructuous.

Heard the learned counsel for the State and perused the case file.

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 him in accordance with law.

25.8.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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