

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

Sr.No.109

CRM-M No.30165 of 2022

Date of Decision: 15th July, 2022.

Nathu Ram

...Petitioner

Versus

State of Punjab & Others

...Respondents

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

Present: Mr. Ashok Kumar Khunger, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

By way of the instant petition, the petitioner herein seeks the indulgence of this Court for the issuance of direction to respondents No.1 to 3 to take the decision on the complaint dated 06.06.2022 (Annexure P-1) as moved by him to respondent No.2.

2. A perusal of the complaint Annexure P-1 reveals that the petitioner has alleged therein that respondents No.4 and 5 have got a solar pump illegally installed in their fields and have, thereby, caused a loss to the tune of Rs.5.20 lac to the State Exchequer and he (petitioner) has sought the registration of a criminal case and further necessary legal action against them as well.

3. Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, has appeared on behalf of respondents No.1 to 3 in this case in pursuance of the copies of the present petition having been sent to the respondent-State in advance.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the allegations, as levelled by the petitioner in the said complaint (Annexure P-1), constitute the cognizable offences but however, the police authorities are not registering the FIR/criminal case against respondents No.4 & 5 on the basis of his (petitioner's) said complaint and therefore, the necessary direction be issued to the official respondents in this regard.

6. However, the afore-raised contention is devoid of any merit because in **M. Subramaniam and another Versus S. Janaki and another (Criminal Appeal No.102 of 2011, decided on 20.03.2020)**, the three Judges' Bench of Hon'ble Supreme Court has set aside the direction given by the High Court for the registration of the FIR while relying upon an earlier judgment of the Apex Court rendered in **Sakiri Vasu Versus 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.*”

7. Moreover, in **Aleque Padamsee and others Versus 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 present petition is not maintainable before this Court.

8. As a sequel to the foregoing discussion, it follows that the petition in hand deserves dismissal on the ground of its not being maintainable before this Court. Resultantly, the same stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

15.07.2022.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No