

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

**CRM-M No.31181 of 2022
Date of Decision: 27.07.2022**

Gurinderjit Singh

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Abhiraj Singh Baweja, Advocate
 for the petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

The petitioner herein seeks the indulgence of this Court for the issuance of the directions to respondents No.1 to 4 to enquire into the offence committed by respondents No.5 to 12 and the role of the police officials in this matter and also to take legal action against them and he also prays for directing respondent No.2 for getting the investigation conducted by some senior officer of the Crime Branch, Chandigarh or some other senior officer outside District Gurdaspur and for directing respondents No.2 and 3 as well to look into his grievance qua the threat to his life, while averring that respondent No.4, along-with respondents No.5 to 10, came to the school where he was posted as Head Master and they gave beatings to him and also snatched away the keys of his car parked outside the school premises and took away his licensed revolver lying in the car and though

he moved complaint Annexure P-4 to respondent No.2 in this regard but the police has not registered any FIR against the said miscreants.

2. Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, has put in appearance on behalf of respondents No.1 to 4 in this case in pursuance of the copies of the instant petition having been sent to the respondent-State in advance and on the instructions from ASI Gurdev Singh from Police Station Sadar Batala, he apprises the Court that the articles including the car, licensed pistol and 16 live cartridges, are lying at the Police Station and though the petitioner was informed to collect the same from there but he refused to do so.

3. I have heard learned counsel for the petitioner as well as learned State counsel at the preliminary stage in the present petition and have also perused the file carefully.

4. As regards the prayer of the petitioner for taking legal action by registering a criminal case against the above-said persons, it is worthwhile to mention here that 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.”

5. 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)**, 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 to the extent of the prayer of the petitioner for the issuance of direction to take legal action against the said persons.

6. So far as the grievance of the petitioner qua the threat to his life is concerned, he shall be at liberty to prefer a fresh representation to respondent No.3-Senior Superintendent of Police, Batala, District Gurdaspur, exclusively praying therein for the protection of his life only and in case any such representation is moved by him, the said respondent will consider and decide the same in accordance with law, in the given set of facts and circumstances of the matter, as expeditiously as possible.

7. Accordingly, the petition in hand stands dismissed with the above-mentioned liberty to the petitioner.

July 27, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*