

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

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**CRM-M No.32122 of 2022
Date of Decision: 26.07.2022**

Jasbir Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present:- Ms. Swati Verma, Advocate
 for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By way of this petition, the petitioner seeks the indulgence of this Court for the issuance of direction to respondents No.1 to 3 to conduct fair investigation in respect of the complaints/applications Annexures P-1 & P-2 as moved by her to respondents No.2 and 3 with the prayer to take necessary legal action against the accused and to register the FIR against them, while alleging that the miscreants named therein had abused her in the name of her caste and had, thus, humiliated her.

2. I have heard learned counsel for the petitioner, at the preliminary stage, in the present petition and have also perused the file carefully.

3. Learned counsel for the petitioner contends that the allegations, as levelled by the petitioner in both the above-said complaints/applications (Annexures P-1 & P-2) disclose the commission of the cognizable offences by the accused persons as named therein but the

police authorities have not registered the criminal case against these persons and therefore, the necessary direction be issued to the respondents in this regard.

4. 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.*”

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)**, 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.

6. 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.

26.07.2022
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>