

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

CRM-M-30482-2020 (O&M)
Date of decision: 16.11.2022

Kamlesh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: None for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition is for issuance of direction to respondent Nos. 2 to 4 to register an FIR on complaint dated 04.09.2020 moved by the petitioner against the accused persons named in the complaint.

The reply filed on behalf of the respondent-State is already on record.

Today, there is no representation on behalf of the petitioner. Even on 01.06.2022, the situation remained the same.

Learned State counsel points out that as per Para 2 of the reply, a complaint was also filed by the petitioner in the Police Station Raipur Rani against the complainant and his family members, in case bearing FIR No. 104 dated 05.09.2020 registered under Section 323 IPC. During enquiry, the medical record submitted by the petitioner was taken on record and as per the MLR no external injury was found on the person of the petitioner and it was found that the petitioner has made a concocted story to save her husband Babu Ram from criminal proceedings. After enquiry, to maintain the law and order in the society *Kalendera* under Section 107/150 Cr.P.C. against Krishan

Lal has been filed before the Executive Magistrate-cum-Assistant Commissioner of Police, Panchkula.

I have heard the learned State counsel and have also gone through the documents on record.

The Hon'ble Supreme Court in Sakiri Vasu Vs. State of U.P. and others, (2008) 2 SCC 409, has held that in case of non-registration of an FIR/improper investigation, the remedy of the aggrieved person is not to approach this Court, but she is at liberty to approach the Magistrate concerned under Section 156(3) Cr.P.C. Relevant extract of the said judgment reads as under:-

“In our opinion Section 156(3) Cr.P.C. is wide enough to include all such powers in a Magistrate which are necessary for ensuring a proper investigation, and it includes the power to order registration of an F.I.R. and of ordering a proper investigation if the Magistrate is satisfied that a proper investigation has not been done, or is not being done by the police. Section 156(3) Cr.P.C., though briefly worded, in our opinion, is very wide and it will include all such incidental powers as are necessary for ensuring a proper investigation”.

Above all, there is no representation on behalf of the petitioner today.

In view of the above, the present petition is dismissed with liberty to the petitioner to avail his remedy in terms of the aforesaid judgment of the Hon'ble Supreme Court, if so advised.

(HARNARESH SINGH GILL)
JUDGE

16.11.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No