

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

**CRM-M No.34252 of 2022
Date of Decision: 08.08.2022**

Tejinder Singh

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Mohit, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

The petitioner herein seeks the indulgence of this Court for the issuance of a direction to respondent No.3 to register the FIR against private respondents No.4 and 5 as well as the driver and owner of the Combine, while alleging that the above-said persons forcibly harvested the crop as sown by him in the land measuring about 03 Bighas and though, he reported the matter to the police authorities vide application Annexure P-6 but in vain.

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

3. Learned counsel for the petitioner contends that the allegations, as levelled by the petitioner in application Annexure P-6,

disclose the commission of cognizable offences by the afore-said miscreants but the police has not taken any action against them, for the same and hence, the above-prayed direction be issued to respondent No.3.

4. However, the above-raised contention is devoid of any force 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 observations, as made by the Apex Court in an earlier judgment 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, as preferred by the petitioner with a prayer to issue direction for the registration of the FIR against the afore-said persons, 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.

August 08, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*