

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

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CRM-M-42288-2020 (O&M)

Date of Decision: 08.09.2022

HARBINDER SINGH KOHLI

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: None for the petitioner.

Ms. Monika Jalota, Sr, DAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

By way of the present petition, the petitioner seeks issuance of directions to respondent No.2 to decide the complaint dated 29.10.2018 moved by the petitioner and to set aside the conclusion report vide which complaints dated 27.08.2018 and 09.07.2018, were filed.

There is no representation on behalf of the petitioner today.

Learned State counsel submits that on the aforesaid complaints of the petitioner, inquiry was conducted and the private respondents were called and joined the investigation and that after giving proper hearing to both the parties, the complaints were filed.

I have heard the learned State counsel and also gone through the material 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 s/he 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.

08.09.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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