

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

234

CRM-M-50642-2019

Date of Decision: September 27, 2022

MAHABIR SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Ms. Suman Sagar, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMAN CHAUDHARY, J.(Oral)

This is a petition under Section 482 Cr.P.C. praying for directions to respondents No.1 to 3 to register FIR against respondents No.4 to 6 and other unnamed accused on the basis of complaint dated 26.10.2019 (Annexure P-6).

Notice of motion was issued in this case on 28.11.2019.

Pursuant thereto reply has been filed.

Learned State counsel refers to Para 4 of the petition which reads thus:-

“That after sometime the respondent No.4 has started behaving with the petitioner and started creating hurdle in the partnership deed and later on the petitioner came to know that respondent No.4 has executed another partnership deed dated 07.01.2019 with Rajinder Singh s/o Amar Singh and Darshan Singh s/o Umed Singh both residents of village Bhuthan Khurd Tehsil and District Fatehabad.”

In view of the aforesaid fact that there is already a dispute is going on between the parties for which aforesaid FIR has been registered on the complaint of the petitioner himself. It is further submitted in Para No.3

of the reply that petitioner is already having an alternate remedy of filing application under Section 156(3).

In Sakiri Vasu vs. State. U.P. and others (2008) 2 SCC 409

Hon'ble the Supreme Court has observed that in case a person has a grievance that FIR has not been registered by the police on his complaint or even after registration of the FIR, no proper investigation is held, he can file an application under Section 156(3) Cr.P.C. before the learned Magistrate concerned. The relevant para runs as follows:-

“In this connection we would like to state that if a person has a grievance that the police station is not registering his FIR under Section 154 Cr.P.C., then he can approach the Superintendent of Police under Section 154(3) Cr.P.C. by an application in writing. Even if that does not yield any satisfactory result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156 (3) Cr.P.C . before the learned Magistrate concerned. If such an application under Section 156 (3) is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The Magistrate can also under the same provision monitor the investigation to ensure a proper investigation.”

In view of the above statement made by learned State counsel

and also in view of the law laid down in the case of **Sakiri Vasu** (supra), no further order is required to be passed in the matter and the present petition stands disposed of as having been rendered infructuous.

However, the petitioner is at liberty to avail the alternative remedy available to him in accordance with law.

September 27, 2022
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(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No