

CRM-M-29536-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29536-2023 (O&M)

Date of decision: July 03, 2023

Jagjit Singh

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Narender Singh Kamboj, Advocate for petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking issuance of directions to the official respondents for conducting fair and proper investigation in the matter from police official of Crime Branch of IPS rank outside District Fazilka.

2. Learned counsel for the petitioner contends that private respondents duped the petitioner of Rs.12,59,000/- on the pretext of providing job in the Railway Department. Petitioner moved his complaint/ representation dated 28.03.2022 (Annexure P-1) to respondent No.2.

3. Notice of motion.

4. Mr. Dhruv Dayal, Additional AG Punjab appears on service of advance copy of petition and accepts notice on behalf of State of Punjab.

5. In my opinion, the petitioner ought to have first approached learned *Ilaqa*/Area Magistrate under Section 156 (3) Cr.P.C for redressal of his grievance, if any, before directly approaching this Court. Section 156 (3) *ibid* empowers a Magistrate to ensure proper investigation. Even otherwise, ordinarily, in case of a grievance arising out of non-registration of an FIR, the aggrieved can seek recourse

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to remedy by approaching Superintendent of Police under Section 154(3) Cr.P.C. or any other competent police officer per Section 36 Cr.P.C. Even thereafter, if grievance is yet unmitigated, one can then take judicial recourse by approaching a Magistrate of competent jurisdiction under Section 156(3) Cr.P.C. Not only that, an aggrieved party can choose to file a criminal complaint under Section 200 Cr.P.C., if so advised. Reference may be had to Apex Court judgment in **Sakiri Vasu versus State of U.P and others**¹.

6. In the premise, instant petition is dismissed. The petitioner is, however, at liberty to approach the appropriate forum for redressal of his grievance, as aforesaid.
7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 03, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No