

**CRM-M-29732-2023 (O&M)**

**Date of decision: 13.07.2023**

Satbir Singh

....Petitioner

versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:-** Mr. Deepak Arora, Advocate for petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

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**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 respondent No.2-Senior Superintendent of Police, Gurdaspur to get an enquiry conducted in matter relating to FIR No.160 dated 16.12.2022, registered under Sections 341, 343, 324, 379, 148 read with Section 149 IPC and 326 IPC (added later) at Police Station, Dhariwal, District Gurdaspur through some senior police official.

2. Learned counsel for the petitioner submits that FIR was registered on the statement of Sandeep Singh that when he, along with Harsimran Singh, was proceeding to Dhariwal on a motorcycle, on the way certain accused persons in a Duster Car intercepted them and an altercation ensued. Petitioner is though a victim, but the other side while manipulating and concocting entire version became complainants in the said FIR. About 10 days prior to registration of the FIR, complainant party had attacked petitioner in a gym and inflicted injuries on him. They also deliberately pulled off his turban so as to humiliate him. Pertaining to said incident also, petitioner approached the police authorities, but to no avail.

Hence, the instant petition.

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 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<sup>1</sup>**.
6. In the premise, instant petition is disposed of. 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

13.07.2023  
vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No