

254**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-32033-2022 (O&M)****Date of decision: 01.08.2023**

Parveen Kumar

....Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.Deepanshu Mehta, Advocate for petitioner.

Mr.Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') *inter alia*, seeking issuance of direction to official respondents to decide the petitioner's complaint/representation dated 20.11.2021 (Annexure P-7) in a time bound manner. He further seeks a direction to the official respondents to take cognizance of the aforesaid complaint.

2. Learned counsel for petitioner submits that petitioner is a victim of snatching and assaults perpetrated and committed by accused/respondents no.4 to 10. Learned counsel further submits that since 01.11.2021 the employees of MC Department, District Moga were on strike, protesting and seeking regularisation of selected contractual employees. During this period the garbage and cleaning process totally halted and due to nuisance on the part of Union members of Sweeper and Sewerage Unions. Infact the condition became worse when dead calf and dead dogs were thrown onto the pile of garbage in the center of city. The Residents of Sikhawala Area were affected the worst and a widespread fear of disease was circulated. The present petitioner being the elected representative of the Municipal Council from Sikhawala Area requested the local MLA and the Mayor of Municipal Council to take action in the said matter. The said cleaning was mandatory as the Nagar Kirtan was scheduled after two days due to festivity of Gurupurab. He further submits that the said protest continued till 16.11.2021 and the

police took preventive action. He further submits that on 17.11.2021 when the present petitioner tried to go inside his office the accused firstly encircled him and then started giving him beatings. They kept on proclaiming that the petitioner had ruined their plan by cleaning the garbage and now they will teach him a lesson. Infact the petitioner in his written complaint has identified each accused and has attributed specific role to every accused. Accused No.1 is stated to have snatched the gold chain wore by the petitioner. While accused no.2 & 3 tore the back pocket of the petitioner's trouser and snatched cash worth Rs 5000/-. The entire occurrence was captured on camera (Annexure P-2). The petitioner was immediately taken to Civil Hospital, Moga and the Medico Legal Report of the petitioner depicts three injuries (Annexure P-3). He remained admitted in the hospital for 5 days. A copy of the admission and discharge slip is annexed as Annexure P-4. The matter was even reported in the local newspapers (Annexure P-5). The local police was informed on the spot of occurrence and even at the hospital a *ruqa* (Writing) was sent by the hospital administration qua receiving of injured petitioner with an injury of assault. But the Local SHO did not take any action and did not register any case/FIR. Despite lapse of 3 days, the SHO (Respondent no.3) did not take any action and the petitioner moved a written complaint before Learned Senior Superintendent of Police, Moga (Annexure P-7) followed by written complaint before Hon'ble Punjab Human Rights Commission, Punjab but to no avail. Hence, the present petition.

3. Per contra, learned State counsel strenuously opposes the prayer made. He contends that police has assured to conclude the investigation in an impartial and fair manner by considering the grievances of petitioner from all angles.

4. I have heard learned counsel for the parties and gone through the case file.

5. In any case, 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*”¹.

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

01.08.2023

‘D’Vir/R

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No