

239/2 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-39412-2021 (O&M)
Decided on : 21.11.2023

Shashi Sharma

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S.Bajaj, Advocate
 for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

Manjari Nehru Kaul, J.(Oral)

CRM-14740-2022

Application is allowed as prayed for and counter-affidavit filed by the petitioner is taken on record subject to all just exceptions.

Main case

Instant petition has been filed under Section 482 Cr.PC for issuance of directions to respondents No.2 and 3 to file status report with regard to complaint dated 23.11.2020 (Annexure P-4) for registration of FIR against two persons namely Sagar @ Neutron and Movish Bains, who had been arrested by the Chandigarh police in FIR No.90 dated 12.10.2020 (Annexure P-2).

2. Learned counsel for the petitioner *inter alia* contends that he has been repeatedly attacked by the accused persons, as a result of which two FIRs already stand registered against the accused persons. While drawing the attention of this court to Statement of Sagar annexed as Annexure P-3, he

submits that it is a matter of record that two persons namely Sagar @ Neutron and Movish Bains, who are gangsters, were arrested by the Chandigarh police in FIR No. 90 dated 12/10/2020 under Sections 307/34 r/w Sections 25 and 27 of the Arms Act, and during investigation they confessed before the police that they had been given contract by one Baggar Khan and Dalbir Singh to eliminate the petitioner. Learned counsel submits that despite complaints dated 23/11/2020 and 18/06/2021 (Annexures P-4 and P-8 respectively) having been given to the Commissioner of Police, Jalandhar no FIR till date had been registered against the accused persons. A prayer has, therefore, been made to issue directions to the official respondents to register an FIR against the accused persons under the relevant Sections of IPC.

3. Learned counsel for the State on instructions submits that the complaints in question have already been enquired into by the official respondents. Learned State counsel further submits that the complaint of the petitioner was closed in view of the fact that no incident with respect to any attack on the petitioner had come to light. Learned State counsel still further submits that rather the grievance of the petitioner has already been addressed as he has been provided with the adequate security, and therefore the present petition is liable to be dismissed.

4. Heard learned counsel for the parties and perused the relevant material available on record.

5. Be that as it may, this Court is not inclined to invoke its inherent jurisdiction under Section 482 Cr.P.C. for issuance of directions as prayed for, for the registration of FIR because in case the petitioner is aggrieved on account

of any inaction on the part of the official respondents, instead of approaching this court directly, he would be well advised to avail of the alternative remedies available to him under the provisions of law in the light of directions given by Hon'ble the Supreme Court in ***Sakiri Vasu v. State of U.P. and others 2008 (2) SCC 409***. Accordingly, the present petition stands dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

21.11.2023

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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No