

CRM-M-37094-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-37094-2023 (O&M)

Date of decision: July 31, 2023

Sunil

....Petitioner

versus

State of Haryana and others

....Respondents

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

Mr. Vikas Bhardwaj, AAG Haryana.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') *inter alia* for issuance of direction to respondents No.3 and 4 to take action on his representation dated 17.07.2023 (Annexure P-3) alleging harassment at the hand of respondents No.5 and 6.

2. Learned counsel for the petitioner *inter alia* contends that petitioner had given his tractor to respondents No.5 and 6 for its use on their agricultural land. After a few days, when petitioner asked respondents No.5 and 6 to return it, they instead started making excuses. Petitioner then submitted a representation dated 17.07.2023 (Annexure P-3) before respondent No.3-Superintendent of Police, Sonipat, but no action has been taken. No FIR *qua* the incident in question is being registered. 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. Allegations in the petition merely on the basis of an affidavit filed herein cannot be summarily accepted. 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

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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 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 31, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No